If versus *ob*

Conditional conjunctions as a mirror of medieval discourse

Regine Eckardt
University of Konstanz

Abstract: The article investigates how the conditional coordination *ob* in OHG, cognate to ModE conditional *if*, was replaced by *wenn* in MHG. I argue that the first drafters of statutes in German, Eike von Repgow and his followers, sophistically used the pragmatics of conditional constructions in order to facilitate legal discourse in court. The resulting linguistic conventions in legal language disfavoured the use of *ob* and led to a rise in the use of (*s*)*wenne*. Between 1300 and 1500, the older function word *ob* was almost completely replaced by *wenn*. As a corollary of the linguistic analysis, we predict that legal discourse will have been a highly visible part of medieval life. The final part of the paper provides language-external evidence. The history of function words can thus provide insights into cultural history.

1. Introduction

The word *if* in Modern English (ModE) can be used as a question complementiser (1) and as a conditional conjunction (2).

(1)   *Peter wondered if it was raining.*

(2)   *If it rains, the street will get wet.*

Its cognate *ob* in Modern High German (ModHG) likewise serves as a question complementiser (3). However, it cannot occur in conditionals where *wenn* is used instead (4).

(3)   *Peter fragte sich   ob es   regnete.*
        Peter   asked   himself   if   it   rained

(4)   **Ob/   √Wenn es   regnet, wird   die   Straße nass.*
        If   when   it   rains   becomes the   street wet

In Middle High German (MHG), *ob* could still be used in the two senses that we find for *if* in ModE. It occurred both as question complementiser (5)/(6) and as conditional conjunction (7)/(8), as illustrated by the following passages from the *Nibelungenlied* (NL) (c. 1250) and *Erec* (Hartmann von Aue, c. 1190).

(5)   *dar   zv   nam er   ir   gvrtel daz   was   ein   porte gvt*
        there   to   took he   her   girdle that was   a   lace   good

        *i.ne   weiz **ob**   er   daz   tæte   dvrh sinen hohen mvt*
        I-not   know if   he   that did.SUBJ   by   his   high   spirit

        '… he also took her girdle which was a valuable lace. I do not know if he did this because of his high spirits.' (Nib. Av. 10 verse 677; Reclam: verse 680)[1]*Êrec   der   junge   man*
        Erec the   young   man

---

sîn   vrouwen   vrâgen began
his   Lady   ask   started

ob   *er.z*   *ervarn*   *solde.*
if   he-it   inquire   should ('go and ask for it)

'Erec, the young man, asked his Lady if he should go and ask for it (= the name of the stranger).' Hartmann von Aue, *Erec* (line 20)

(6)   *daz ich   des   sere   fverhte ez   mvg vns werden leit*
      that I   that.GEN   much   fear   it   may us become sorrow

   ob *wir   werbn   welln di   vil   herlichen   meit*
   if we   court   want the   much   wonderful maid

   '(that) I fear severely that we might regret it if we want to court the very wonderful maid.' (Nib. Av. 3 verse 52; Reclam v. 54)

(7)   *er   sprach: 'jungelinc,* ***ob*** *iu   wære   der   lîp   z'ihte*
      he   said   young-man if   you.DAT   was.SUBJ   the   body   to-any

   mære,   sô   liezet   ir   enzît   iuwern   kintlîchen   strît'
   value   so   let.SUBJ   you   in-time   your   childish   fight

   'He said: young man, if your body was worth anything to you, you would stop this childish fight quickly.' Hartmann von Aue, *Erec* (line 708)

Both Old High German (OHG) *ob(a)* and Anglo-Saxon *(g)if* are attested both as question complementiser and as conditional conjunction. While both uses of *if* were maintained in English up to the present, *ob* as a conditional conjunction was replaced by *wenn* in German. The present article investigates why.

I address the question in the strong sense: (a) How did German adopt *wenn* as a new conditional conjunction and (b) why wasn't English *if* replaced in the same way. Research in diachronic semantics often contents itself at explaining the 'how' of change, leaving the 'why' unanswered. The present study sets a more ambitious goal. Asking the question in the strong sense, we predetermine the kind of facts and factors our answer must rely on. Any explanation of (a) that rests on syntactic or semantic properties of *ob* and *wenn* in German shared by their English cognates will have difficulties in accounting for (b). In other words, we have to find the additional trigger that was in action in the German speaker community but absent on the British Isles.[2]

I defend the hypothesis that the loss of *ob* originated in texts of law, specifically in the *Sachsenspiegel* (SAS) (Eike von Repgow, c. 1235) and the law books modelled after it. The specific patterns for conditionals in the SAS have been described previously (Schmid 2005 and sources therein) but this work has never been applied to analyse the replacement of *ob* by *wenn* as a larger process.

I propose that Eike von Repgow, author of the much-copied SAS, had particular communicative goals in drafting the statutes. He used pragmatic means in order to achieve these, which shaped the specific distribution of *ob* versus other conditional constructions in the SAS. Numerous later compilations followed his model and made the pattern widely recognized. Readers and listeners imitated the patterns of

---

[2] It goes without saying that we also rely on semantic and pragmatic facts about conditionals in German that are shared by the English cognates.

conditionals they observed in legal discourse, but failed to see the pragmatic aims of the authors. The conditional conjunction *ob* was given up in favour of *swenne* which, to hearers' understanding, was the optimal way to express conditionals: *swenne* shared the morphological form of the most widely used conditional conjunctions in legal language.

English *if* was never used in similarly specialised patterns. The Anglo-Saxon Laws (601–c. 1000) strongly support *if* as a conditional conjunction, and after the Norman Conquest, legal discourse was conducted in Latin. When jurisdiction returned to English around 1400, legal discourse had lost its status as model for the grammar of conditionals. Other West Germanic languages confirm the correlation between conditional patterns in Medieval legal texts and the modern grammar of conditionals.

The paper is structured as follows. Section 2 surveys conditional patterns in German around 1200. It describes major grammatical forms to express conditionals and their distribution in different types of text. Section 3 takes focus on free relative constructions using *sw-* pronouns (*swaz, swer, swa, swelch, swenne*), out of which the modern conditional conjunction *wenn* originated. Section 4 reviews how this construction was particularly useful for the SAS and similar *Spiegel* law books. It describes origin and cultural background and reports that legal discourse was a widely observed practice in medieval German society. For drafters and judges in this society, free relative constructions are arguably superior to other ways of phrasing law, and therefore became the prominent pattern. Listeners copied the pattern and generalized it to the normal expression of conditionals.

Section 5 shows that the analysis is corroborated by three observations.

- English retained *if* as a conditional conjunction. Our analysis would therefore predict that the triggering factor was absent in English society. This is correct.
- Evidence from other West Germanic languages supports the analysis. The triggering factor, namely legal discourse in the vernacular, was present and the cognates of *if/ob* were replaced by former relative pronouns.
- Since the *Spiegel* law books were widely distributed and used around 1300, we expect the loss of *ob* between 1300 and 1500. This is matched by the timeline we find in the data.

Section 6 summarises and concludes.

2.   Conditional constructions in MHG

This section discusses the grammar of conditional constructions in MHG. We start with a survey of major types of conditional constructions (2.1) and describe their specific distribution in the SAS/SWS (2.2). Other types of text do not share this specific distribution. They show that *ob* was still the default conditional coordination in late MHG (2.3).

2.1 Types of conditional constructions

MHG offered various ways to express conditional propositions, most of which are still available in ModHG. My survey follows Schmid (2005), who lists 'uneingeleitete Konditionalsätze' (*verb-first conditionals, V1*), 'allgemeine Relativsätze' (*free relatives*), '*ob*-Konditionalsätze' (ob *conditionals*) and 'andere' (*other patterns*).

Following the terminology of formal semantics, I use *antecedent* and *consequent* to refer to the two logical parts of conditionals.[3] Each construction is attested in both in legal and non-legal sources.

2.1.1 V1 conditionals

Conditionals can be expressed with a verb-initial clause for the antecedent and a verb-second clause for the consequent.

(8) *warne ich   mînen lieben man*
     warn   I   my   dear   man

     dâ   genim ich   schaden   an
     so   take   I   damage   prt.

     'If I warn my dear man, I will suffer damage.' Aue, *Erec* (line 3160 f.)

(9) *Verdobelet en   knecht sines herren gut, oder versat het, oder verkoft het,*
     loses   a   servant his   Lord's good or   lends it   or   sells   it

     die   herre mach it   wol vorderen mit   rechte (…).
     the   Lord   may   it   well request   with right

     'If a servant loses his Lord's good, or lends on it, or sells it, then his Lord may request it back with full right (…).' (SAS, Hom. III, 6 §1, p. 124)[4]

Southern texts show a variant where a V1 matrix presentational clause (*unde*) *ist* takes a complement *daz* clause that contributes the content of the antecedent.

(10) *Unde ist,   daz   eyn   man   stirbet* ...
      and   is   that a   man   dies

      'if a man dies …', lit. 'if it is (the case) that a man dies …' (SWS, quoted after Schmid 2005: 345)

V1 conditionals are a very common form both in legal texts and elsewhere, and patterns are retained in ModHG (Reis and Wöllstein 2010). The antecedent V1 clause precedes the consequent clause in the majority of uses. The following minimal pair contrasts a permissible use (12) with a made-up marked use where the consequent clause precedes the antecedent (13).

(11) *Wert   aver die vredebrekere gevangen in   der   versehen*
      become   prt. the peacebreaker caught   in   the   observed

       dat, man   richtet over yne   na   vredes rechte
       deed one   judges   over him   after peace's law

       'If the peace-breaker is caught in the act, then he shall be sentenced according to peace law.' (SAS, Hom. III, 36 §2, p. 140)

(12) **man richtet iver den   vredebrekere   aver na   vredes   rechte,*
      one judges over the   peacebreaker   prt. after peace's   law

---

[3] Other terms are *protasis/apodosis*, *conditional clause/main clause* or simply *if-clause/then-clause.*

[4] The SAS is quoted after the Homeyer edition with Book, Article, Paragraph, unless stated otherwise.

wert	*he*	*in*	*der*	*versehen*	*dat*	*gevangen.*
is	he	in	the	observed	deed	caught

The trend was quantified by (Rothe 1895), who counted instances in five source texts (Landrecht, Otfried, Parzival, Erec, Iwein) and computed the ratio of V1 clauses before/after the consequent (quoted after Maschek 1913, 46 f.). The preference for the 'V1 clauses first' pattern is most pronounced in the SAS (Landrecht).

Landrecht, SAS	487 : 6 (i.e. 98.75% preceding)
Otfried	50 : 19
Parzival	170 : 43
Erec	120 : 40
Iwein	181 : 61

This syntactic preference made V1 conditionals unsuited to add further elaborations to a given law. We will see the effect of this dispreference when we take a closer look at the patterns in legal texts.

2.1.2 ob *conditionals*

The conjunction *ob* occurs as a conditional coordination in the antecedent of conditionals as illustrated in examples (7)/(8), repeated below.

(13)
daz	*ich*	*des*	*sere*	*fverhte*	*ez*	*mvg*	*vns*	*werden*	*leit*
that	I	this.GEN	much	fear	it	may	us	become	sorrow

ob	*wir*	*werbn*	*welln*	*di*	*vil*	*herlichen*	*meit*
if	we	court	want	the	much	wonderful	maid

'(that) I fear severely that we might regret it if we want to court the very wonderful maid.'

(14)
er	*sprach:*	*'jungelinc,*	***ob***	*iu*	*wære*	*der*	*lîp*	*z'ihte mære,*
he	said	young-man	if	you	was.SUBJ	the	body	to-any value

sô	*liezet*	*ir*	*enzît*	*iuwern*	*kintlîchen*	*strît'*
so	let.SUBJ	you	in-time	your	childish	fight

'He said: young man, if your body had any value to you, you would stop this childish fight quickly.'

We find the regional variants *of, ob, oba.* Lower German varieties typically use *of,* close to English *if,* as illustrated in the Lower Saxonian example in (16).

(15)
Of	*en*	*man*	*an*	*sines*	*vorspreken*	*wort*	*nicht*	*ne iet,*
if	a	man	to	his	advocate's	word	not	NEG agrees

de	*wile*	*blift*	*her*	*sunder*	*scaden*	*sines vorspreken*	*wordes.*
the	while	stays	he	without	damage	his advocate.GEN	word.GEN

'If/as long as a man does not confirm the statement of his advocate, he doesn't suffer any harm from the words of his advocate.' (SAS, Hom. III, 14 §1, p. 129)

Apart from phonological variation we see no regional variation in the use of *ob* around 1200. Conditional *ob* is used in texts of all kinds: legal texts, epics, lyrics, chronicles and religious texts. The only texts that show particular usage patterns are the *Spiegel* law books. These patterns are surveyed in 2.3.

Finally, *ob* conditionals can precede or follow the consequent clause. Both orders antecedent–consequent and consequent–antecedent are attested with equal frequency. For instance, Rothe (1895) reports the following counts of *ob* clauses in prominent texts of OHG / MHG:[5]

Author	*ob*-clause preceding : following main clause
Otfried	69 : 36
Parzival	48 : 52
Hartmann	109 : 131
Gottfried	31 : 29

We thus find an almost even distribution of *ob* antecedents preceding or following the consequent clause. The choice of *ob*-conditionals was thus preferable when syntactic order would disallow V1 conditionals.

2.1.3 *Free relative clauses express conditionals*

Free relative clauses can be used to express universal quantification. The resulting statement is often a near-synonym of a conditional construction where the antecedent corresponds to the free relative clause, paired with a main clause. The main clause typically contains a correlative pronoun.

(16) '*(...) bin ich genislich, sô   genise ich:*
am   I   healable so   recover I

*und **swaz***   *mir   vür*   *wirt geleit*
and   whatever   me   bevore is   laid

von   guote ode von   arbeit,
of   goods or   of   work

daz   trûwe ich   wol   bringen.'
that   dare I   well   bring

'If I can recover (from my illness) then I will recover: and **whatever/if anything** is requested from me–goods or exercises–I will be able to provide (it).' Hartmann von Aue, Der arme Heinrich , 190–193 (Bibl. August. online)

Legal texts make it particularly clear that these universals often have the status of an antecedent of a conditional.

(17) **Swer**   *umbe ungerihte wirt*   *beklaget, der sol des*   *ersten*
who-ever for   unjustice becomes accused   the shall that.GEN first

eines   fürsprechen   gern ...
a.GEN advocate   demand

'Whoever gets accused unjustly shall firstly demand for an advocate.'
'**If anybody** gets unjustly accused, he shall firstly demand for an advocate.'
(SWS, ed. Wackernagel Art. 222, p. 215 ≈ ed. Gengler, 223 §1, p. 152)

---

[5] The reader is refered to the original for the actual list of texts searched. Rothe took care to use a random sample.

(18)   **Sve** *nachtes korn stelt, de*   *schult*   *des*   *galgen*
      Who   at-night corn steals the.REL   shall   the.GEN   gallow

      'Whoever   steals   corn   at   night   deserves   the   gallows.'
      'If anybody steals corn at night, he deserves the gallows.' (SAS, Hom. II, 39
      §1, p. 96 ≈ Daniels, columns 577/578)

The pronoun paradigm includes *sve(r), sveme, svat, svelk <noun>, sven(n)e* and *sves*,
with shared initial *s-*. This free choice morpheme goes back to an OHG free choice
construction *so wer so, so wem so, so was so*, etc., which corresponds to English *who-
ever, whom-ever, what-ever*. The pragmatics of free choice constructions is discussed
in more detail in section 3.

The free relative construction can be quite complex and a full syntactic and semantic
analysis would be worth a study in its own right. (20) illustrates that the free relative
did not necessarily correspond to a correlate in the consequent clause.

(19)   **Sves**   *hunt, oder*   *ber*   *oder*   *perd*   *oder*   *osse,*   *oder*
      whose dog   or   boar   or   horse or   ox   or
             svelkerhand   *ve*   *it*   *si*   *enen*   *man*   *doded oder*
             belemet,   *whatever*   *animal it*   *be*   *a*   *man*
             kills   *or*   *lames*

      sin   *herre scal den scaden na*   *rechtene weregelde* (…)
      his   master shall the   damage after right   tariff

      beteren (…)
      repay

      'Whatever dog, boar, horse, ox or whatever other animal it may be, kills or
      lames a man or cattle, its owner shall refund the damage according to its
      value.' (SAS Hom. II, 40 §1, p. 96 ≈ Daniels col. 585/586)

The consequent *sin herre … beteren* is a complete sentence and contains no correlative
pronoun. The definite *sin herre* refers to the same individual as the *sves* in the
antecedent clause: the owner in *who's dog* is the same as *the master* (of the dog). The
cross-reference is ensured semantically whereas the correlative pronoun does not
correctly match the relative pronoun (compare *swe – de, swenne – so, swer – der*).
Schmid (2005: 355) diagnoses a 'limit zone between relative clause and adverbial
clause that is no longer known in Modern German syntax'. Section 3 takes a closer look
at the semantics and pragmatics of the construction, although a comprehensive analysis
is beyond the limits of the present paper.

2.1.4   Other types

The antecedent of conditionals can also use the conjunctions *so* ('so'), *unde* ('and'),
wâr ('where'), *dâr* ('there'), *daz* ('that'), *so daz* ('such that') and complex *die wîle* ('the
while'), *alze were daz* ('as were that') (Schmid 2005: 356). These occur with low
frequency and will be left aside in the following. However, we deviate from Schmid's
(2005) typology in its classification of *swenne* ('when') as one of the rarely occurring

other types. Morphologically, *swenne* falls within the paradigm of relatives with a free choice morpheme, and it will be crucial for the purpose of our project to trace its usage.

The next subsection surveys conditional constructions in legal *Spiegel* texts in the 13th century.

2.2 Specific patterns in legal texts

Schmid (2005) characterises the linguistic structure of laws in the SAS as follows. Laws describe a case: a situation, event or behaviour that requires a standardised reaction. The situation is typically described in free relative clauses or V1 clauses. These are followed by the main clause that conveys what happens under such circumstances.

(20) *Sve   nachtes   korn   stelt, de   schult   des   galgen*
      Who night.GEN corn steals the.one shall   the.GEN gallows

  'If anybody steals corn at night he deserves the gallows.' (SAS, Hom. II, 39 §1, p. 96)

(21) *Wert   aver die   vredebrekere gevangen   in   der   versehen*
      become prt. the   peacebreaker caught   in   the   observed

  dat, man   richtet   iver yne   na   vredes   rechte
  deed one   judges   over him   after peace.GEN law

  'If the peace-breaker is caught in the act, then he shall be sentenced according to peace law.' (SAS Hom. III, 36 §2, p. 140)

The conditional conjunction *ob/of*, in contrast, is never used to describe the cause. *Ob* clauses are used where the author wants to introduce additional restrictions, hedges, elaborations or clarifications (Schmid 2005: 361), as illustrated in (23).

(22) *Svat iemand vint,   besaket   hes   of   men dar na   fraget,*
      what someone find   hides   he-it   if   one for   it   asks

  so   is   it   düvech.
  then is   it   theft

  'Whatever someone finds: if he hides it – assuming that one asks for it – then it's theft.' (SAS, Hom. II, 37 §1, p. 94 ≈ Daniels col. 577/578)

The *ob* clause clarifies the circumstances under which neutral behaviour (finding something, taking it home, stowing it away…) becomes criminal. Other *ob* clauses are less dramatic, as in (24).

(23) *So scal   oc   de geistlike   gewalt helpen deme   werltliken*
      so   shall   also the religious   power   help   the.DAT worldly

  of   it   is   bedarf
  if   it   it.GEN needs (≈ if necessary)

  'So shall the clerical authority also help the secular one, if that is needed.' (SAS, Hom. I, §1, p.15 ≈ Daniels col. 39/41/42)

The final clause 'if that is needed' is almost superfluous: *help* presupposes that the act of helping is welcome to the beneficent . Practically all instances of *ob* clauses in the SAS contribute minor restrictions, procedural laws or presuppositions.

The use of *ob* clauses for elaboration and hedging is also mirrored in syntax. Maschek (1913: 46 f.) reports that 87.4% of all *ob* clauses in the SAS (part I, Landrecht) follow the consequent clause. Some 6.8% of *ob* clauses precede the main clause and 5.8% occur in bare uses.

Summarizing, the use of *ob* conditionals in the SAS follows specific patterns. These patterns were adopted by drafters of later legal texts in southern Germany (Deutschenspiegel , SWS, c. 1275), though perhaps somewhat less consistently. The conditional structures were also left unchanged by copyists. The next subsection shows that other text types do not exhibit these patterns; they are indeed restricted to legal text.

2.3 Conditionals outside texts of law

Conditionals in texts beyond the *Spiegel* do not show any special distributional patterns. In particular, *ob* conditionals are not confined to specific textual functions like commenting/hedging. The following passages of *Armer Heinrich* illustrate this. (25) refers to the core prophecy in the epos: Heinrich suffers a disfiguring disease. If he can find a maid who is willing to die for him, then he will recover.

(24) *herre, ir   hât   uns   doch gesaget,* **ob** *ir   hetet   eine   maget*
      Sir   you   have us   prt. said   if   you   had   a   maid

      diu   gerne   den tôt   durch iuch lite,   dâ   soldet ir
      who   with-pleasure the   death by   you suffer then shall   you

      genesen   mite.
      recover   with

      'My lord, you told us that if you had a maid who was happy to suffer death by your hand, then you should thereby recover.' Hartmann von Aue, *Armer Heinrich* (lines 925 ff.)

The conditional in (25) does not restrict or refine a given case. Another non-restricting conditional in (26), from the same epos, is uttered by the doctor who is supposed to kill the long-sought maid. He tries to convince her that she should retract her offer: *If you have mercy with your body, then think about the pain that you will suffer.*

(25) **ob**   *dich   dîn lîp erbarme, so bedenke   disen smerzen:*
      if   you.DAT   your body pity   so think-about   these pains

      ich   snîde dich   zem   herzen und   brichez lebende ûz   dir.
      I   cut   you.DAT to-the heart and   take-it alive   out you.DAT

      'If you have mery with your body, then think about these pains: I will cut at your heart and take it out alive.' Hartmann von Aue, *Armer Heinrich* (lines 1090 ff.)

Again, the sentence does not comment on or restrict a more general case.

The NL shows *ob* in free variation with a *swenne* conditional.

(26) *Giselher   der   snelle   sprach cer   swester   sin*
      Giselher   the   quick   said   to-the sister   his

swenne	*daz*	*dv*	*vrowe*	*bedvrfen*	*wellest*	*min*
swenne	that	you	Lady	need.INF	want	me

ob	*dir*	*iht*	*gewerre*	*daz*	*tv*	*dv*	*mir*	*bechant*
if	you.DAT	anything	miss	that	do	you	me	known

so	*rit*	*ich*	*dir*	*ce*	*dineste*	*in*	*daz*	*Eceln*	*lant*
so	ride	I	you.DAT	to	service	in	the	Etzel	land

'Fast Giselher said to his sister: If you, Lady, will ever need me, if you lack for anything, then tell me and I will ride to Etzel's country to help you.' Nib. Av. 21, verse 289; Reclam v. 292

Giselher makes the same offer twice: *If* (swenne) *you need me and if* (ob) *you lack for anything, then tell me and I will come to help you in Etzel's country*. This shows that *swenne* and *ob* could be used interchangeably. Counting the incidence of *ob* conditionals as compared to *swenne* conditionals in the NL yields the following numbers.[6]

ob conditionals	50 in aventiuren 1–20	≈ 100 in NL
swenne conditionals	30 in total in NL	

This yields a ratio of *ob* conditionals to *swenne* conditionals of 3 : 1. In other words, the conditional coordination *ob* was still the predominant choice for the author of the epos.

This finding coheres with Schmid's cursory observation that *ob* conditionals are not restricted in syntax or semantics in other text types. Schmid quotes in particular the *Sächsische Weltchronik*, the *Chronik des Zürichkriegs 1439–1446* and sermons by Tauler. Traditional studies emphasise that *ob* clauses could precede or follow the consequent clause (Huldi 1957, Maschek 1913, Rieck 1977). I was not able to verify Lühr's (2010) hypothesis that *ob* conditionals serve to contrast one kind of case with another.[7]

We thus have good evidence that *ob* clauses outside texts of law were not restricted in syntax or use (although a comprehensive count of conditionals in *all* existing documents between 1200 and 1400 remains a project for future work). Most importantly, the uses of *ob* clauses around 1200 do not suggest an imminent decline. Summarizing, we find consistent conventions for conditionals in legal texts that emerged in the 13th century. These conventions are restricted to this text type. Specifically, the author of the SAS, Eike von Repgow, and his followers decided to systematically avoid *ob*/*of* in favour of free relatives in the phrasing of laws. These authors felt, for whatever reason, that free relatives allowed them to express laws in an

---

[6] Counts are based on the online version available at the Bibliotheca Augustana (Manuscript B). *Ob* conditionals were manually counted in the first 20 of 41 aventiuren. The resulting 50 instances were extrapolated to an estimated 100 cases in the full epos. *Swenne* conditionals were easier to classify; I manually counted in the entire NL.

[7] Lühr (2010) claims that *ob* conditionals serve to contrast the protasis with an alternative state of affairs, typically but not necessarily at the beginning of discourse. V1 conditionals, in contrast, *elaborate* on a condition introduced previously. The hypothesis is illustrated by Otfrid's use of conditionals. Lühr's diagnosis for V1 conditionals fits well with their use in legal texts (although only one of Lühr's four examples is convincing, with one not even a V1 declarative). But her characterisation of *ob* conditionals does not match their use in legal text, where they add minor conditions and serve no contrasting function, as my examples show.

optimal way. The next section discusses the semantics and pragmatics of *sw-* pronouns in free relative constructions. This offers the background for section 5, where I argue that free relative constructions were optimally suited for the rhetoric purposes of drafters and users of legal texts.

3. The pragmatics of *sw-* pronouns

Relative pronouns of the forms *s-wer*, *s-wem*, *s-welch*, etc., combine the common Germanic question pronouns with the remains of the complex form *so wer so*, *so wem so*, etc. The construction is termed 'concessive use' in traditional grammar (Deutsches Wörterbuch, Bd. 29, Sp. 118). This section characterizes their meaning and pragmatics in terms of current theory. Moreover I show that we find uses where the pragmatic undertones are violated, which suggests that a weakened (or bleached) use was possible.

Various authors propose to derive the conditional reading of free relative constructions by assuming that the pronoun is interpreted as a variable that gets bound by a tacit universal quantifier (von Fintel 2000, Caponigro 2004, Tredinnick 1995). This means that the underlying logical form of a ModE sentence like *whoever wants to marry her must solve three problems* can be paraphrased as "for all x with the property: x wants to marry her, it is the case that x must solve three problems". The content of the relative clause provides the restricting property (here: x wants to marry her) and thus the domain of quantification.

While I leave the detailed semantic derivation open, Hirsch's (2016) analysis of *wh-ever* free relatives will offer an excellent starting point (for alternative accounts see Tredinnick 2005, Dayal 1997, and Iatridou 2018 on Modern Turkish). It allows to capture the pragmatic effects of English *ever* as domain widening (Kadmon & Landmann 1993). Specifically, the speaker invites the hearer to conceive of the property in the widest possible sense. The paraphrase of the above example should thus be refined to "for all x with the property: x wants to marry her **(and no exceptions allowed!)**, it is the case that x must solve three problems". I will use the term *free choice reading* to refer to this strengthened reading.[8]

Free choice relatives are used when the speaker aims to include any possible referent in the widest sense. By using a free choice relative conditional, the speaker implicates "this rule has no exceptions". MHG free relatives with *sw*-pronouns share the pragmatics of the ModE construction. Consider the use of *swer* in the following example, taken from the NL. It describes the tests that prospective husbands of Brunhilde must overcome to win her hand.

(27) *swer* *ir* *minne* *gerte* *der* *mvose* *ane* *wanch*
      who her love wanted the must.SUBJ without faltering

  driv *spil* *an* *gewinnen* *der frovwen* *wol* *geboren*
  three games at win the Lady well born

  gebrast *im* *an* *dem* *einem* *er* *hete* *daz* *hovbet* *sin* *verloren*
  missed him at them one he had.SUBJ the head his lost

---

[8] Domain widening leads to a logically stronger proposition, as we generally get strengthening for universal quantification over larger domains. Compare *Every boy wears mittens* to *Every child wears mittens*, where the latter entails the former.

'Who(ever) wanted to win her love had to win three contests against the high-born lady. If he lost even one, he would lose his head.' (Nib. Av. 6 v. 325; Reclam v. 327)

The rule in (28) conveys that 'who wants to marry Brunhilde has to win three games against her.' It is clear in context that this is a rule without exceptions. It would be appropriate to render (28) as 'whoever wanted to win Brunhilde's love had to …'. The rule applies to all suitors including King Gunther. MHG, as many other languages, use *domain widening* to trigger pragmatic implicatures (Kadmon & Landman 1993, Jacobson 1995, Dayal 1997, Caponigro 2003, Chierchia 2006, Menéndez-Benito 2006).

In order to understand the competition between *ob* conditionals and free relatives, it is important to know whether domain-widening uses of free relatives were predominant. If so, then the free relative construction were regularly used to convey more meaning than a simple *ob* conditional could. If not, then we would have to conclude that the two alternative means were used more or less synonymously.

Of course, we can no longer ask speakers of MHG for their judgements. In many instances, however, we can at least determine whether the pragmatics of domain widening makes sense or not. I use the label +FC to indicate that an *sw*-PRO could be intended to include referents in the widest possible sense, and –FC if such a reading does not make sense. (28) above provides a +FC example; *swenne* in (29) is –FC.

(28) *swenne   wir noch   hivte   fvr   Prvnhilde gan*
      if/when   we yet   today   before   Brunhilde go

      so   mvezen wir mit sorgen vor   der   chvneginne stan
      so   must   we with worries before the   queen   stand

      'When we go to see Brunhilde today we will have to approach her carefully.'
      (Nib. Av. 6, v. 385; Reclam v. 385)

Let us examine why (29) is –FC. It conveys the conditional '*If/when we go and meet Brunhilde today, we have to be careful.*' In this example, a quantificational reading does not make sense. The speaker (Sigfried) is not concerned about times when Brunhilde is more or less dangerous, or about 'different times when we could visit Brunhilde'. The speaker has in mind the specific time when the heroes will visit Brunhilde, and warns Gunther to be careful *then*. I therefore classed (29) as –FC.

The categorisation is independent of a particular 'reading' or interpretation of the passage. +FC does *not* claim that the passage in the NL was intended as a free choice example by the author or reliably interpreted by the readers as such. We only test whether such a free choice interpretation makes sense at all, i.e. not require presuppositions that cannot possibly be true. Interpreting (29) as +FC would require the reader to believe that there are times when Brunhilde is less dangerous, and the story does not warrant this. Here is another –FC example.

(29) *man sol iv gerne   bvezen   swes   wir gebresten han*
      one shall you with-pleasure make-amends-for what.GEN   we deficit   have

      daz   ist von Hagenen   schvlden er   wil   vns gern
      that is   by   Hagen's   fault   he   wants   us with-pleasure
      erdversten lan
      thirst   let

'One shall bring you with pleasure what we are missing: it is Hagen's fault, he wants us to die from thirst.' (Nib. Av. 16, v. 963; Reclam v. 966)

Sigfrid has complained that there is no wine for lunch. In this passage, King Gunther answers the complaint, saying *one shall bring you with pleasure what is missing to us; it is Hagen's fault, he wants to let us die from thirst*. 'What is missing to us' makes definite reference to the missing wine. While a free choice interpretation would make sense pragmatically, it would also change the content of Gunther's answer. I therefore categorised the example as –FC.

I manually evaluated all *sw*- pronouns in the NL, including *swenne*, the later competitor of *ob*. All instances were classified for ±FC, according to whether a free choice interpretation would lead to a stronger assertion in the given case or not. These are the results of the count.

	+FC	–FC	unclear
swes ('of whom/ever')	13	1	
swem ('to whom/ever')	2	0	
swen ('whom/ever')	4	1	
swelcher/s/... ('which/ever')	5	1	
swer ('who/ever')	19	2	
swaz ('what/ever')	1	0	
swar ('where/ever')	1	0	
swenne ('when/ever')	**8**	**20**	**2**

We find that free relatives are predominantly used in contexts that allow for a free choice interpretation. The pronoun *swenne* poses the only exception. It can also be used in the free choice sense but is already predominantly used in contexts that are not compatible with such an interpretation. The author of the NL used *swenne* in non-free choice contexts in 20 out of 30 cases (67%). If we add up the instances of all other *sw*-pronouns, we find that they are used in non-free choice contexts in only 5 out of 50 cases (10%).

This count is confirmed by cursory searches in other texts: *sw*-pronouns are predominantly used in +FC contexts, except for *swenne*. Here is another +FC *swa* example, taken from a sermon.

(30) *Swa   der   menschen einer ist,   der   vfhabet ein   lant   vf*
      so   of-the men   one   is   who   lifts   a   country up

mit   sinem gebet, vnd   der   selben ist   einer   got   liber   denne
with   his   prayer and   of-these selves is   one   God   dearer than

fvnf   hvndert   ander, die   doch   got   lieb   sint
five   hundred   other   who   yet   God   dear   are

'Whenever there is one of mankind who elevates a country with his prayer, one of these is always dearer to God than five hundred others, even though they are also dear to God.' (Berthold von Regensburg, *Deutsche Predigten*. c. 1200)

The sermon aims at a +FC interpretation: *Take anybody who improves a country with his prayers: a single one of these is dearer to God than 500 others even though He*

loves them, too.[9] The syntactic link between free relative and main clause is somewhat unclear, which suggests all the more that the author found a free relative best suited to transport his message – in spite of tangled syntax.

In summary, the pragmatics of free choice was a part of the meaning of free relatives. They were thus suited to phrase laws where the author wanted to stress that exceptions would not be tolerated. The pronoun *swenne* had mixed status. On the one hand, it belonged to the paradigm of free choice pronouns and was therefore suited to trigger domain extension.

On the other hand, German *swenne* was already used without this pragmatic component, and its dominant function was being renegotiated. It was similar to English *when* which can also be used almost synonymous to conditional *if*. Sentences like *If/when George eats popcorn, he gets a rash* can be used interchangeably.[10] While this synonymy is a first factor to allow change, it is not sufficient alone to put *if* out of service. Otherwise we would expect English to replace *if* by *when* in conditionals, just like German did. We are still missing the final trigger.

The next section takes a closer look at an excellent candidate to trigger the change. We review the legal texts modelled after the *Sachsenspiegel,* the status of legal discourse in medieval society, and the pragmatic aims behind the SAS and the legal texts modelled after it.

4.   *Sachsenspiegel* and *Schwabenspiegel*

The SAS is the first German record of feudal and customary law, put in writing by Eike van Repgow in Thuringia. The document's origin is estimated between 1220 and 1235. Medieval jurisdiction had been orally transmitted and lawsuits decided in accordance with customary law. Laws were originally applied to the local population, and people who moved to another place could still claim to be subject to their birth laws. Thuringia at the time was a territory of movement and migration where people of different descent would mix – Saxons, Swabians, Franconians, Wends, Bavarians and groups from Eastern Europe. We may speculate that a reliable law book for Saxons became desirable in order to deal with the tangle of systems of customary laws which were referred to opportunistically (Lück 1999: 13). Eike von Repgow stresses that Saxon law applied irrespective of birth rights (Hom. I, 30, p. 38), even though every man was entitled to a trial in his own language (*an der sprake, die yme angeboren is* 'in the language that he was born with', Hom. III, 71 §1, 2; p. 167).

The SAS was considered highly useful, as we can see from the impressive number of 460 remaining manusrcipts, and further copies and follow-up versions. Oppitz (1992) presents a complete synopsis of preserved manuscripts and fragments in four voluminous tomes, highlighting the wide distribution and transmission after 1300. The copyists adjusted the spelling to their local variety, and the morphological shape of words can thus differ from region to region. Yet the syntactic structure of the laws, including the form of conditionals, remains constant in all copied manuscripts.[11] After

---

[9] While we may question this weighing of love in numbers, the author's point is quite clear.

[10] I thank an anonymous reviewer who encouraged me to draw this parallel.

[11] Could Latin legal language have influenced the form of the SAS? Eike von Repgow wrote a first version in Latin and translated it ('grudgingly', as his introduction states) into the vulgate. Whether

1400 printed copies became available and so numerous that a comprehensive list of existing exemplars was never compiled. It thus seems fair to say that the *Spiegel* was in widest use throughout German speaking Europe.

The *Spiegel* cover *Lehnsrecht* and *Landrecht* (feudal law and customary country law), which apply to all inhabitants outside towns. Adjusted versions for town law followed, such as the *Stader Annalen*, the *Hamburger Ordeelbook* and law texts in Bremen, Cologne and the Netherlands (Lück 1999: 55). The *Deutschenspiegel* and SWS were written in Augsburg around 1275 as southern equivalents after the model of the SAS. Their authors adopted the linguistic conventions for conditionals used in the SAS. While a complete survey of the language of law in the 11th and 12th centuries would be interesting, the present study focuses on the SAS and SWS.[12]

Legal discourse was highly visible. At the borderline between oral culture and written jurisdiction, established practices ensured that newer verdicts were consistent with earlier ones (Lück 1999). The body of effective laws in an oral culture only becomes explicated in lawsuits. Even when laws were put down in writing, observing legal procedure was the only way ordinary people could infer the effective laws and plan and act accordingly. These rules concerned not only crimes such as theft and murder, but also regulations for marriage, loan and tax, as well as the question – extremely interesting in a complex network of kinship relations – of inheritance. It was therefore of personal interest for all free men to observe current legal procedure (Kroeschell 1972a,b). Schott (1984:179) observes that the court was the central institution of social life in medieval society ('das Gericht (stellt) die zentrale Instanz des sozialen Lebens dar').

Four remaining illustrated manuscripts of the SAS confirm that the Spiegel served a specific purpose. Pictures served as a table of content for those who could not read; the judges highlighted their trustworthiness by demonstrating that the passages read were indeed those refering to the case at hand. This confirms that juridical proceedings were organized as points of contact between experts and ordinary people.

We also learn from the statutes that thing meetings were public events in medieval society (Schott 1987:379). Presence at the thing (three regular meetings per year, plus six that could be called when necessary) was every free man's duty. There are lists of penalties for men not showing up at these meetings, as well as passages that specify exceptional circumstances under which a man was excused attendance. Many steps in the process require that the defendant had as many friends and relatives as possible to act as witnesses: the verb *über-zeugen* ('convince') originally literally meant 'outnumber in witnesses'.[13] These practices increased the number of lay persons actively involved in legal proceedings.

The correct use of language was also a prominent aspect of legal discourse: Everybody had the right to a *Fürsprech*, a professional advocate who was able to phrase the person's position in the correct manner (mentioned, e.g. in (16)). The law explicitly

---

fragments of this Latin version have been preserved is still a matter of debate. To my knowledge, there is no linguistic literature that claims strong parallels between Latin law and the SAS.

[12] For textual consistency, most quotes were taken from the edition edited by Homeyer (1827); parallels with the SWS were verified by Daniels, who compiled a parallel edition of two northern SAS (incl. Hom.), one southern SWS and one French version from Switzerland.

[13] German *überzeugen* ('convince') today refers to the result of rational argument.

recommended using an advocate because only professionals were able to adhere to the complex regulations.[14] This made legal linguistic patterns and conventions particularly salient for the lay aiudience.

Many content words found their way from legal debates into everyday language. Not only *überzeugen*, as mentioned before, but also the plural term *selb-dritt* ('person a as the third one in a group of three', see (39) below), the temporal phrase *nach Jahr und Tag* ('after a year and a day') in the sense of 'after a long long time', or the practice of classing relatives by *Glied* ('phalange', originating from the habit of counting the distance between person and relative by the phalanges). The legal rule *Wer zuerst kommt, mahlt zuerst*, literally 'who comes first mills first', is in common use today in the sense of 'first come, first served'. Many more everyday proverbs in German go back to principles in the *Spiegel* (Meder 2002:104).

In sum, there is ample evidence that legal debates were a central part of medieval social life.This coheres with the present hypothesis – that the *Spiegel* triggered the raise of new conditional patterns in German. If the hypothesis is correct, we also learn more about how the transfer from legal to ordinary language went about. Functional words are commonly not imitated volitionally or taught to speakers by giving a paraphrase. They are part of implicit linguistic knowledge and learned by involitional imitation. The case hence goes beyond earlier types of transfer from one linguistic realm into another; function words are not normally studied in cultural history.

4.1   The authors' aims

The drafting and interpretation of statutes is a widely debated issue in jurisdiction. Laws have to be phrased clearly and unambiguously. Lay persons must be able to understand the law in order to adhere to it. Judges use the law as instruction for action and so strive for brevity and relevance. Modern style guides for legal drafting show that the balance between completeness, clarity and brevity is not easy to keep. The author of the *Spiegel* developed his own conventions to maximise brevity, relevance and clarity.

Every law can be seen as a conditional. The antecedent describes the *case*: a particular situation or event. The consequent states what is to be done under such circumstances. The description of the *case* should list all relevant aspects. It should not be burdened with superfluous, obvious or irrelevant information. Eike von Repgow and his succesors could choose between three common patterns to express the antecedent of conditionals: free relative constructions, V1 clauses and *ob* clauses. In drafting, they aimed to maximise clarity and unambiguousness. They therefore established conventions for the use of conditional constructions in legal texts.

Free relative constructions were an optimal way to start the description of a case, for pragmatic reasons. As argued above, free relatives allow for a free choice interpretation. Any utterance hence yields the implicature that the law is supposed to apply in any conceivable situation that fits the given description. This is in line with an important aim of jurisdiction: to ensure equal treatment of all members of the community. The pragmatics of free choice will thus have been of considerable rhetorical value. Reading

---

[14] A second advantage of the *Fürsprech*, as Eike von Repgow remarks, was that the *Fürsprech*'s statement was not valid before the defendant had agreed to its contents. This gave the defendant time for a second thought which, we may infer, was often beneficial.

the statute loudly, the judge automatically implicated that the law applied to the situation at hand. For instance, the judge could build on this implicature to confirm that Saxon law applied within Saxon borders, no matter where the defendant was born (Hom. I, 30).[15] A written text that used free relative constructions in prominent places – the beginning of the law – made it easier for the acting judge to prevent exceptions.

Free relative constructions included conditionals starting with *swenne* (also *swa* = 'where'). *Swenne* was already used in a non-free choice sense (Section 2), but in legal text, authors predominantly use *swenne/swa-* conditionals where a free choice interpretation makes sense (+FC).

(31)   **Svenne**   *en   man   wif   nimt, so   nimt   her   in   sine   gewere*
       whenever   a   man   wife   takes   so   takes   he   in   his   possession

   al   ir   gut   to   rechter vormuntscap
   all   her   good   to   right   wardship
   'Whenever a man marries a wife, he takes all her goods in his possession and custody.' (SAS, Hom. I, 31 §2, p. 39 ≈ Daniels, col. 135/137/138)

Listeners must have perceived *swenne* as one among a paradigm of rhetorically particularly loaded openings of conditionals. (We will see in 4.2. that it also was one that lent itself to generalizations particularly easily.)

How about the alternative choices of conditional constructions? Neither of them carries the same rhetorical weight or pragmatic value as the free relatives. V1 conditional clauses were used to open a case or to elaborate on a given case, as illustrated in (33). V1 conditionals in MHG generally preceded the consequent clause (Maschek 1913: 12). This made them best suited to open or continue the description of a cause *before* the consequent clause of the rule or law was given.

(32)   *Sve   den   anderen   lemet   oder   wundet,*   **wirt   he   des   beredet**
       who   the   other   lames   or   wounds   is   he   that.GEN   accused

   man   sleit   yme   de   hant   af
   one   beats   him   the   hand   of

   'Whoever lames or wounds the other – if he is found guilty for it, then one shall cut off his hand.' (SAS, Hom. II, 16 §2, p. 79)

The consequent in (33) is '*one cuts his hand off*'; it follows the *sw-* clause and the V1 clause.

What about *ob* conditionals? In sum, they were used mostly in places where an elaboration or explication of a case had to be made. The uses lack a uniform positive motive. They also lack the rhetorical power of the opening free relative clause conditionals. I survey all possible patterns I found, simply to verify that these were "boring" stuff in comparison to the clauses that used *sw-* pronouns.

---

[15] *Jewelk inkomen man vntveit erue binnen deme lande to sassen na des landes rechte vnde nicht na des mannes, he si beyer oder svaf oder vranke.* 'The heritage of every immigrant man, as left in the land of Saxony, is divided (among the heirs) according to the land's laws and not according the man's, be he Bavarian, Swabian or Franconian.' (We should keep in mind, though, that the general laws targeted free men [and sometimes women]. Special rules applied to bondsmen, Jews or clericals, not to mention the different legal systems for Swabians, Bavarians, Frisians and so on.)

V1 conditionals were *not* optimally suited to express further restrictions to the description of the case *after* the consequent clause.[16] Therefore the authors of *Spiegel* texts resorted to *ob* conditionals when they wanted to elaborate on the case *after* the consequent.

(33)　*(The widow must hand out certain military goods to her man's comrades after*
　　　 his death.)　*Sves dat wif　nicht hevet　dirre　dinge*
　　　　　　　　 what　the　wife　not　 has　 of-these　things

　　　 des ne　darf se nicht geven of se　ir　vnscult　darn　dar to
　　　 these NEG　must she not　give　if she her innocence dares there to

　　　 dvn,　　　　 dat　se is　nicht　ne　hebbe (...)
　　　 do ('dares to swear') that she it　not　 NEG　have

　　　 'Whatever of these the wife does not possess, that she need not provide, if she
　　　 can prove that she does not own it.' (SAS, Hom. I, 22 §4, p. 33)

The *ob* clause lists a final precondition to the consequent 'the wife does not have to give (things that she does not have)'. The precondition is of a procedural nature: the widow has to swear that she does not own the military goods. *Ob* conditionals often concern **procedural rules**, i.e. steps in an on-going suit that have to be followed before the consequent is reached. More examples follow below.

Ob conditionals are used for **explication of local presuppositions**. In (35) the presupposition '*if it's an animal*' only applies when a good is lost by death (of the good, i.e. the animal).

(34)　*Swelk man　deme　 anderen　sin gut　dut　 zu　 behalde*
　　　 which man　the.DAT　other.DAT his good does　to　keep

　　　 wirt iz　yme　 virstolen　oder abgeroubit oder　virbrant
　　　 be　 it　 him　 stolen　 or　 robbed　 or　 burned

　　　 oder ***stirft is,　 ob　 iz　 veh　 is,***
　　　 or　 **dies　it,　 if　 it　 cattle is**

　　　 'Whichever man gives his goods to another to keep it: if it is stolen or robbed
　　　 or burned, or if it dies – in case it is cattle –' (then the other need not refund it,
　　　 if he can show that it was not his fault) (Daniels col. 705; ≈ SAS, Hom. III, 5 ^
　　　 §3, p. 123 ≈ Daniels col. 706)

The predicate *sterfan* 'to die' presupposes that the good was alive previously, i.e. it was an animal. While this could easily be accommodated, the *ob* clause contributes the presupposition to ensure correct interpretation.

There are other cases where local presuppositions are explicated. The statement in (24), repeated below, ensures mutual support between the crown and the church.

(35)　*So　 scal　oc　 de　 geistlike gewalt　helpen deme　werltliken*
　　　 so　 shall　also　the　 religious power　 help　 the　 worldly

---

of	*it*	*is*	*bedarf*
if	it	it.GEN	needs

The final clause 'if it is necessary' is almost superfluous: *help* presupposes that the act of helping is welcome to the beneficient. The ob clause explicates this presupposition . Explications of presuppositions are redundant and it therefore makes sense to place them at the end of the statute. Yet the author wanted to play safe and explicate the presupposition.

Confirming normal circumstances. Some *ob* clauses confirm that the law refers to the 'normal' case. The following law addresses the situation where someone finds valuables and keeps them: is this necessarily theft?

(36)

Svat	*iemand*	*vint,*	*besaket*	*hes*		*of*	*men*	*dar*	*na*	*fraget,*
what	someone	finds	hides	he-it.ACC	if	one	there	after	asks	

so	*is*	*it*	*düvech*.
then	is	it	theft

'Whatever someone finds: if he hides it – assuming that one asks for it – then it is theft.' (SAS, Hom. II, 37 §1, p. 94 ≈ Daniels col. 577/578)

The *ob* clause spells out the circumstances under which neutral behaviour – finding something, taking it home, stowing it away – becomes a crime. The clause confirms the common-sense assumption that the law is targeted at the *malevolent* hiding of valuables. Thinking in terms of default logic, we could characterise these *ob* clauses as a spelling-out of the assumption that circumstances are normal. Traditional philologists call this the 'clarifying' function of *ob* clauses. Their diagnosis is supported by the fact that *ob* clauses were sometimes added in later copies for the purpose of clarification, as illustrated in (38).

(37) (All those who are obliged to attend thing must be prepared to attend from then that the sun rises until midday…)

of	*die*	*richtere*	*dar*	*is.*
if	the	judge	there	is

'…if the judge is present'

(SAS Hom. III, 61 §4, p. 160)

No matter whether a thing meeting without the judge was legally possible or not, the *ob* clause clarifies that attendance was only mandatory under 'normal' circumstances. (We can only speculate about the probnlems that motivated the addition of this clause.)

A wide range of uses of *ob* are concerned with the practice of requesting seven witnesses in order to prove the truth of a defendant's plea.[17] This is illustrated in (39).

(38)

Des	*vronen*	*boden*	*tuch*	*steit*	*vor*	*tvene*	*mann,*	*of*	*men*	*des*
The	Fronebote's[18]		vote	stands	for	two.GEN	men	if	one	that.GEN

bedarf,	*dar*	*men*	*mit*	*seven*	*mannen*	*getugen*	*scal.*
needs	there	one	with	seven	men	witness	shall.

---

[17] dar mot de richtere silf sevede wesen, sogedaner lude, de eme ordel vinden (…). = There can the judge be the seventh of those who find the vote.

[18] Fronebote = an official servant at court. I leave the term untranslated.

> 'The vote of the Fronebote counts for two men, if needed, if one has to provide the vote of seven men.'(SAS Hom. I, 8 §2 ≈ Daniels col. 67f./73/74)

(39) discusses details of the practice of people's witnessing against each other in court. For many possible types of conflict, there were exact numbers of required witnesses to support a plea of not-guilty. (39) describes one such case and states that the Fronebote's vote counts double – **if needed** – when the defendant attempts to present seven votes in his favour (including his own: *silf sevede*).

The confirmation of normal circumstances can overlap with procedural rules. When a law requires a woman to swear 'by her braid – *ob* she has one', braided women are expected as the norm: the law does not spell out what unbraided women are supposed to do.

Procedural rules also cover bare *ob* clauses in the title of a paragraph, called 'puzzling' by Schmid (2005): such instances violate Schmid's description of such clauses as 'commenting, adding and restricting'. (40) is a case in point.

(39) *Ob   ein   wip   kint   treit*
      if   a   woman   child   bears

      'If a woman is pregnant.' (title of paragraph) (SWS, Daniels col. 699)

This *ob* clause, being the title of a paragraph, cannot add or comment on anything. A closer look at the paragraph reveals that it does not offer universal laws about how to deal with pregnancy. It addresses the question: what if there is an *on-going* lawsuit where a woman is found guilty *and that woman is moreover pregnant*? (We learn that the punishment should not affect the unborn child, or be postponed till after birth.) While a free relative clause, '*swelch wip kint treit …*', would be interpreted to cover all possible instances of pregnancy, the title '*ob ein wip kint treit*' in this context was understood to refer to an on-going lawsuit.

This use of *ob* clauses is even clearer in (41), again the title of a paragraph.

(40) *We   sin   ve   drift   up   enes   anderen mannes   korn*
      Who   his   cattle drives   on   a.GEN   other   man.GEN grain

      oder gras. Of men dat   nicht panden en   mach.
      or   gras. if one that not   distrain not   may
      'He who leads cattle onto another man's grain or grass. If one cannot distrain it.' (SAS, Daniels col. 602 ≈ Hom. II, 47. See ft. 10)

Generally under consideration are people who lead their cattle to graze on someone else's land. But the specific issue in the paragraph is how to deal with cases where the ordinary punishment – distraining the cattle – cannot be applied.[19] Again, the *ob* clause describes a step in an on-going legal procedure. Likewise, the title in (42) promises rules for an on-going legal procedure. It only makes sense once some on-going case requires that a man or animal must be presented in court.

(41) *Of   en   man   oder en   ve   sterft, dat   man   vor   gerichte*
      If   a   man   or   a   cattle   dies   that   one   before court

---

[19] This is the case, for instance, where a farmer has only one cow and would starve if it were taken away.

bringen   scal.
bring   shall

'If a man or cattle dies, that must be brought to court.' (SAS, Daniels col. 730 ≈ Hom III, 10; see ft. 10)

Procedural rules cover a wide range of uses of *ob*. Common to all of them is that they are relevant only once a lawsuit has reached a certain stage where specific rules have to be obeyed. Such rules do not answer the lay person's question *What if … ?* about a crime, misdeed, inheritance or loan case, or obligations in the community.

Reference to preceding paragraphs. A few *ob* clauses seem motivated by general text structure. These primarily comprise (rare) cases of *ob* clauses at the beginning of a paragraph, such as the following.

(42) *Of en man nenen leneruen   ne   heuet na   sime   dode,*
      of a   man no   loan-heir   not   has   after his   death

      sve   sin erue is   na   lantrechte, die   sal   nemen
      whoever   his heir is   according-to land law   the-one   shall   take

      sin   verdenede   gut (…).
      his   earned   good (≈ profit)

'If some man does not have a loan-heir and dies then whoever is his heir according to the law, that one shall take his profit.' (Hom. SAS II, 58 §1, p. 108 ≈ Daniels col. 619/621/622)

The quoted article states what happens *if* someone dies who has tenants and thus earnings, but no proper heir to this status: in this case, the ordinary heirs benefit from the earnings. However, the case is contextualised as one minor variety of the much-debated general situation '*if a man dies*', where the question of who inherits what needs to be regulated. The fact that the man has died is presupposed (PP: *after his death* and the statute refers to more general laws (*whoever inherits the rest of the goods* – by no means a trivial question).

Likewise-so statutes offer another occasion to use *ob* clauses that refer to earlier law (I, 9 §2, 3). The first paragraph is summarised in modern English, the second 'likewise so' paragraph follows MHG. Cross-references are rather complex. To facilitate reading, I give indices to link pronouns and their antecedents.

(43) (I, 9, §2) *Whoever₁ has handed over his₁ good by contract to another manⱼ (granted that hisᵢ Lord agrees), and the other man₂ has paid in part or fully, and he₂ dies, then the first man₁ must hand over the good to his₂ loan-heir (of equal birth or not). And if there is no loan-heir, then he₁ must hand it over to the ordinary heirs, no matter who it may be – assuming that it has been fully paid. Else, he₁ must refund what he₂ has paid already.*

      Dit selve sol ok   de herre dvn, of en   man   en gut   iegen
      the   same shall also the Lord do   if a   man   a   land   against

      yn   bekosteget, dat   he   yme lien (…) sal   unde of de   man
      him   pays   that he   him let   shall and if the   man

      er   der   lenvnge   stirft.
      before the   handing-over   dies

> 'The landlord shall do the same, if a man has paid for a plot that the landlord shall loan him, and if the man (then) dies before the loan is established.' (the same = return the money to the man's heir) (SAS, Hom. I, 9 §2, p. 23 ≈ Daniels col. 74)

At first sight, this example violates the drafters' conventions. Firstly, the antecedent clause (the *case*) follows the consequent. Secondly, it is phrased as an *ob* clause. Why was the article not phrased according to the usual conventions? If we attempt to re-organise the paragraph, 9 §3 has to repeat the complex case description of 9 §2. The drafters in this case must have considered it more transparent to state directly that 'Lords must act likewise if…', reducing the description of the *case* to those parts that differ from the case in §2. Transparency in 'likewise-so' statutes motivates a small number of uses of *ob* clauses.

In summary, Eike von Repgow and his successors used *ob* clauses to explicate local presuppositions, to confirm normal circumstances, to add procedural rules, also in titles, and finally to stress textual links to the preceding article. The respective clauses tend to be placed late in the sentence: confirmation of normal circumstances or explication of obvious presuppositions are not the most informative parts of a law. Likewise, procedural rules can only be specified once a case has been described in the first parts of the sentence. The use of an *ob* clause would thus be syntactically favoured over a V1 clause. The absence of *swenne* as a conditoinal in these cases tells us that the writers did not see *swenne* as a normal (i.e., pragmtically neutral) conditional coordination at this point. This, however, changes when we now turn to the lay audience at law court.

4.2   The audience

Let me now turn to the lay audience's perspective on legal debate. The observers watched the highly ritualized sequences of speech and reply, part of which was the reading of the statute that pertained to the case at hand. They heard that in a majority of cases, the most interesting part of this text — the description of the general case — was phrased with a free relative clause introduced by a *sw*-pronoun.[20]

While this form was wisely chosen by the drafter to facilitate the judge's work, the pragmatic load and rhetorical force must often have been lost on the audience. Most actual trials may not have touched the question of "making an exception" at all. The audience observed that important conditionals, interesting conditionals, those that were relevant for the case at hand were introduced by a clause that started with a *sw*-pronoun. It was this pattern that they copied.

The word *swenne* was among these pronouns, and it was semantically more flexible than most of the others. As pointed out above, temporal clauses and conditional clauses can be near synonyms in many cases. As a temporal pronoun, *swenne* introduces a time variable that can be bound by a quantifier in quantification over times . Conditionals are assumed to quantify over indices (= *world-time* pairs, Kaufmann 2005, Kratzer 1981, Lewis 1973) and thus require only a minimal extension of the quantificational domain: *swenne* was already semantically close to a conditional conjunction.

---

[20] We leave V1 conditionals aside for the moment because they were never candidates to become the most frequent, most typical conditional coordination.

The audience generalized *swenne* to the sense of former *ob*, English *if*. It became the preferred choice of conditional conjunction when listeners tried to imitate the grammar of conditionals in law. In this new function, the word lost the older item's pragmatic power to indicate domain widening and leading to stronger quantificational statements. It turned into a standard conditional conjunction.

While the choice of *swenne* as a new conditional is plausible, it was not the only possible option. Notably, the local pronoun *swa* likewise lends itself to generalization from local to modal domains of quantification. We will see in section 5 that other Germanic languages in central Europe replaced *ob* by cognates of *swa*, most likely triggered by similar communicative contexts. It would therefore be wrong to claim that the cline from *swenne* to *wenn* ('if') was a necessary change under the given circumstances. Whether the choice of new conditional coordinations is driven by frequency effects or further unknown factors remains to be investigated.

4.3   Fossils of *ob* in Modern German

What, finally, did the audience of legal discourse learn about the use of *ob*? The observers saw that judges, quoting from the book, chose *ob* conditionals for

- *irrelevant information*, in the sense that the statute was comprehensible even without this information – obvious presuppositions or the assertion that the case was supposed to be normal
- conditionals that concerned the procedures of lawsuits, i.e. were of interest for the expert only.

An *ob* clause hardly ever answered the lay observer's big '*what if?*' question. As we saw, the linguistic patterns were quite clear: prototypical conditionals are phrased with *swenne* and its fellows, and do not use *ob*.

We may ask whether the patterns for *ob* were also copied and maintained for special purposes. In fact, *ob* in its conditional sense was not entirely lost. ModHG still has two fossilised uses.

(44)   a. *Ob es   regnet oder   nicht, Tom   trägt   Gummistiefel.*
        ob   it   rains or   not   Tom   wears rubber boots.
    'Whether it rains or not, Tom wears rubber boots.'

    b. *Ob-wohl die   Sonne scheint, trägt   Tom Gummistiefel*
       ob-wohl the   sun   shines   wears Tom rubber boots.
    'Even though the sun is shining, Tom is wearing rubber boots.'

(45a) uses *ob* in the *whether-P-or-non-P* sense to state that Tom wears rubber boots no matter what. *Obwohl* in (45b) is a concessive coordination that originated from conditional *ob* with the particle *wohl*. Univerbation took place around 1400 and hence is based on *ob* clauses that survived the changes after 1250. These usages confirm that the word *ob* was not completely lost after 1250. Speakers would use it when they saw a reason in doing so – for conditionals they preferred (*s*)*wenne*.

From the viewpoint of the drafters of statutes, the use of a postponed or subordinated conditional clause was well motivated and perhaps even mandatory in the great majority of examples in the *Spiegel* laws. Yet, these examples do not seem to offer evidence for a single new coherent meaning. Listeners were not able to detect a new

possible sense for conditional *ob* beyond irrelevance conditionals of the form in (45a) and concessives (45b).

5.   Towards an explanatory account

Our findings so far show that MHG *ob* was the preferred conditional coordination in almost all types of text, with the exception of laws. Legal language exhibited specific patterns of conditionals, as described in 2.2 and 3. These descriptive results replicate earlier findings in philology and linguistics (Maschek 1913, Schmid 2005). I propos that authors had pragmatic motifs to adhere to their conventions: *positive* reasons for using free relatives (including *swenne*/*swa*) and V1 conditionals, and *negative* reasons to choose the default conjunction *ob*. Hearers copied usage patterns without taking these motifs into consideration. According to this hypothesis, legal discourse in MGH after 1300 directly caused the decline of *ob*.

The hypothesis makes the following predictions:

1. If legal discourse caused the loss of *ob*, legal discourse in England in 1200–1300 will have differed substantially from German legal discourse.
2. Any Medieval community in central Europe with similar legal practices and law texts showing similar asymmetries will have seen their cognate of *ob*/*if* similarly dispreferred and eroded.[7]
3. If *ob*'s dispreferral as a conditional coordination originated around 1230 and spread by around 1300, incidences should decline after 1300 and be lost around 1500.

All three predictions are confirmed by the facts.

5.1   English *if*

The Anglo-Saxon laws were written in the folk language Anglo-Saxon from a particularly early stage, starting with Aethelberht in 604. We may also assume that the practices of jurisdiction in England and Germany were largely similar. Yet, English retained *if* and we have to ask why.

The logic of conditionals in Old English is the same as in German and other languages: an antecedent describes the *case*, the consequent spells out the consequences. Yet, the linguistic patterns used by Aethelberht and his followers were very different from those of Eike von Repgow. All laws exclusively use *if*-based conditionals (manual search based on Eckhardt's 1958 edition of *Leges Anglo-Saxonum* – Anglo-Saxon laws from between AD 604 and 925). The authors hardly ever use free relative constructions (with or without free-choice pragmatics), nor do we find conditional clauses that share the syntax of polar questions (V1). If these law books had any influence on the English grammar of conditionals, then it was to confirm that *if* was the standard conjunction in conditional clauses.

After the Norman Conquest, French became the official language of administration. Latin as its more traditional version was used as the language of laws. Anglo-Saxon legal discourse used Latin to ensure conservative jurisdiction, and the first statutes by Ranulph de Glanwill and Henry de Bracton were written in Latin. We thus know that legal discourse was no longer conducted in English. English was only revived as the language of administration after 1400, and by that time lawsuits no longer seem to have

provided a model case. Speakers of English therefore never encountered this particular trigger to give up *if* in conditionals.

5.2   Other West Germanic varieties

The *Spiegel* laws were copied and adjusted to local habitual law in Frisia and the Netherlands. I compared the *Rüstringer Küren* (Old Frisian law) in several versions to Anglo-Saxon law and the *Spiegel*. While the linguistic conventions of the *Spiegel* were not followed consistently in Old Frisian law, the texts were largely modelled after the SAS. In particular, cases are often rendered by a free relative or V1 conditional. In Frisian-speaking medieval communities, speakers witnessed lawsuits where the older coordination *of* was less prominent than alternative constructions, just as in northern and southern Germany. If our hypothesis is correct and legal language is a model for conditionals, we would expect the modern conditional conjunction in Frisian not to be a cognate of *if*.

This expectation is borne out. The standard conditional in Modern Frisian uses not a cognate of *ob*/*if* but the conjunction *as*, which dates back to *al-swa* 'exactly where'. As in the German-speaking areas, the influence of legal language led to a decline of uses of *ob*. Yet the case shows that the choice of a new dominant conjunction was in part accidental. While speakers of High German converged on *(s)wenn(e)* in the long run, speakers of Middle Dutch and Frisian preferred a different member of the paradigm, *s-wa*, reinforced by *al*.[21]

The resulting picture challenges Maschek's (1913) claim that the rise of *swenne* was mirrored, but not influenced, by the SAS. According to my hypothesis, legal language in the SAS directly led to a dispreferral of the standard conditional coordination *ob*/*of* and primed alternative possible coordinations that looked like *sw*-pronouns. Without a weakening of *ob*/*if*, the need for an alternative never arose. This hypothesis is confirmed by English, Frisian, Dutch and German. A closer investigation of the development in Middle Dutch remains an attractive project for future research.

5.3   The decline of *ob*

The Zwingli Corpus (ETH Zurich) and the Old and New Testament as translated by Luther (archive.org), were used to compare the distribution of *ob* and *wenn* about 200 years after the first proliferation of *wenn* in texts of law.

The **Zwingli Corpus** comprises Zwingli's letters and theological writings from 1510–1528 (see project website for full references). The distribution of *ob* vs. *wenn* is as follows.

ob 'if' conditional	51
ob question complementiser	64
concessive *ob* (*ob+gleich*)	41
ob fixed phrase '*ob got will*'	25

---

[21] I leave it open whether *al-* contributes universal quantification "always where", or the modification "exactly where" as suggested by glosses in dictionaries.

<div align="center">

19 (other, incl. local *ob* 'above')   19
conditional *wenn*   1070

</div>

Isolated instances of *ob* used in the conditional sense remain; the concessive sense emerges as a use in its own right. Yet Zwingli predominantly used *wenn* in conditional constructions, with a ratio *wenn* : *ob* of 1070 : 51 instances.

These numbers are supported by a manual count in the Luther Bible (1534), which shows an even more pronounced preference for *wenn* over *ob*. Conditional *ob* is extremely rare in comparison to conditional *wenn*. From 500 manually counted instances in the Old Testament up to the Book of Ruth (approximately the first 25% of the Old and New Testament), we can extrapolate a total of over 2000 instances of conditional *wenn* in the Bible. This contrasts with only 20 instances of conditional *ob* in total.

<div align="center">

ob 'if' conditional   20
concessive *ob*
(*ob+wohl, ob+gleich, ob+selbst, ob+schon…*)   83
ob as question complementiser   130
ob 'as if'   1
unclear   4
conditional *wenn* >2000

</div>

Thus, we find that by 1500 at the latest, the coordination *wenn* had replaced the former conditional coordination *ob*.[22]

6. Summary and discussion

Historical studies of content words can trace how words and ideas were transmitted in time and space. The study of function words, in contrast, is not a standard tool in cultural history. The present study demonstrates how changes in function words can provide insights into medieval culture. Linguistic evidence confirms that legal language was widely perceived as a model case, and led to a change in the grammar of conditional constructions. This lends further support to the claim that legal language was highly visible, as maintained in research on legal practices in medieval oral societies. Lück (1999) points out that the body of effective laws in an oral culture only becomes explicated in lawsuits. Observing legal procedure was hence the only way people could infer the effective laws and plan and act accordingly. Schott (1984) argues that the law court was *the* central institution in social life.[23] We also know that participation at thing meetings was part of the free man's duty. Statutes list penalties for those who failed to attend.

Written statutes were central in legal practices and the SAS and SWS were in wide use, as we may conclude from the large number of remaining manuscripts. In 1900, German archives documented 341 manuscripts of the *Landrecht* and 94 manuscripts of the *Lehensrecht*, in addition to around 250 manuscripts of the SWS, as well as printed versions that came into use after 1474 (Schott 1984: 385, Oppitz 1990–1992). We can

---

[22] It would be useful to narrow down the period of change. The release of the Referenzkorpus Mittelhochdeutsch (REM) and Mittelniederdeutsch (REN) in 2016 and 2019 has turned this question into a manageable project.

[23] '*das Gericht (stellt) die zentrale Instanz des sozialen Lebens (dar).*' (Schott 1984: 379)

therefore assume that the phrasings of the SAS/SWS contributed to cultural practices all over German-speaking Europe.

Finally, the proper use of language was an important issue in court. Everybody had the right to a *Fürsprech*, a professional advocate who was able to phrase the person's position in the correct manner. We have met the *Fürsprech* in example (16) above. The law explicitly recommends using an advocate because only professionals were able to adhere to the strictly regulated language use. This must have made linguistic patterns in legal language particularly salient.

The paper investigated why German replaced the conditional coordination *ob*/*of* with *wenn* while English retained the cognate *if*. A survey of possible conditional constructions isolated three main patterns: conditionals with the coordination *ob*, V1 conditional constructions and free relative constructions based on the pronouns *swa*, *swer*, *swez*, *swenne*, *swelch*, etc. Around 1200, *ob* clauses were the default way to express conditionals. The *sw-* pronouns were mostly used in contexts where the speaker aimed to pragmatically trigger a free choice interpretation. The pronoun *swenne* represents an exception to this rule: it was already used in non-free-choice contexts but retained the ability to express free choice.

Next, we took a closer look at a specific body of text with different conventions for the use of conditional constructions, the SAS and law books written in its tradition. The authors preferred *sw-* pronouns and V1 constructions to describe the case, followed by the consequent clause to describe the legal consequences. *Ob* clauses were predominantly used to explicate presuppositions and to express hedging or procedural rules. Some uses could also be motivated by textual structure.

I suggested that these conventions were motivated by pragmatic and syntactic considerations. The drafters of statutes chose free relative constructions because their pragmatics of free choice provided judges with the rhetorical means to argue against exceptions. For syntactic reasons, V1 conditionals were best suited to express conditions preceding the consequent. The coordination *ob was the 'elsewhere' choice* for conditional clauses that (i) contributed less vital information and clarifications, (ii) were best placed after the consequent clause or (iii) referred to situations under specific contextual restrictions, as in the example *if a woman is pregnant (while found guilty of a crime)*.

While the authors' choice were motivated by pragmatic aims (stressing that the law covers all cases of the given kind), the listening lay audience inferred a simpler grammatical pattern: conditional clauses typically start with a *sw-* pronoun. Disregarding the pragmatic motivation, they copied the most common, and semantically most general *sw-* pronoun. The pronoun *swenne* quantified over times and was already sortally close to quantification over indices $<w,t>$ in conditional constructions. It was thus a plausible candidate for listeners to adopt and use for conditionals in general.

The linguistic analysis of the *Spiegel* laws leads us to the hypothesis that these texts fuelled the decline of *ob* and the rise of *wenn*. This hypothesis is corroborated by various facts. English retained *if* because the language of English legal debate was Latin. The first written statutes, written by Ranulph de Glanwill and Henry de Bracton, are in Latin. By the time English became established as the language of British legal discourse, the role of law courts in society had changed. Thus, the crucial triggering factor for the change never occurred in English-speaking societies. Secondly, Dutch

and Frisian law was phrased following the model of legal texts in MHG. This coheres with the observation that Dutch and Frisian also lost the cognate of *ob*/*if* as a conditional coordination. Finally, the timeline of the loss of *ob* as a conditional coordination is consistent with the proposed analysis, as we can state that the change was completed by 1500 at the latest. It would be interesting to see whether the period of change can be narrowed down even further by conducting systematic surveys of texts from between 1400 and 1500.

It has long been known that the history of content words allows us to trace the exchange of goods and ideas. Yet, goods are easy to transport, and few contacts between speakers can suffice to transfer a new name. The distribution of function words is a more reliable indicator of intense and continued linguistic contact. Their meaning and grammar can only be inferred from a sufficiently large body of sample uses. Changes in function words can therefore serve as an excellent indicator of cultural practices in Medieval societies.

Abbreviations in glosses

ACC = accusative, DAT = dative, GEN = genitive, INF = infinitive, NEG = negation particle (in double negation constructions), SUBJ = subjunctive

References

Admoni, Wladimir. 1990. *Historische Syntax des Deutschen.* Tübingen: Niemeyer.

Caponigro, I. 2003. *Free not to ask: On the semantics of free relatives and* wh-*words cross-linguistically*. PhD dissertation, UCLA.

Chierchia, Gennaro. 2006. Broaden your views: Implicatures of domain widening and the 'logicality' of language. *Linguistic inquiry* 37: 535–590.

Dayal, Veneeta. 1997. Free relatives and *ever*: Identity and free choice readings. In A. Lawson (ed.), *Proceedings of SALT 7*, 99–116. Ithaca, NY: CLC Publications.

von Fintel, Kai. 2000. *Whatever*. In B. Jackson and T. Matthews (eds.), SALT 10: Proceedings from the 10th Conference on Semantics and Linguistic Theory. Ithaca, NY: CLC Publications, 27–39.

Hirsch, Aron. 2016. A compositional semantics for *wh-ever* free relatives. In N. Bade, P. Berezovskaya and A. Schöller (eds.), *Proceedings of Sinn und Bedeutung* 20, 341-358. Retrieved from https://ojs.ub.uni-konstanz.de/sub/index.php/sub/article/view/268

Huldi, Max. 1957. *Die Kausal-, Temporal- und Konditionalkonjunktionen bei Christian Kuchimeister, Hans Fründ und Niclas von Wylle.* Winterthur.

Jacobson, Pauline. 1995. On the quantificational force of English free relatives. In E. Bach, E. Jelinek, A. Kratzer and B. Partee (eds.), *Quantification in natural languages*, 451–486. Dordrecht: Kluwer.

Kadmon, Nirit and Fred Landman. 1993. *Any. Linguistics and Philosophy* 16(4): 353 – 422.

Kaufmann, Stefan. 2005. Conditional truth and future reference. *Journal of semantics* 22, 231–280.

Kratzer, Angelika. 1981. The notional category of modality. In H.J. Eikmeyer and H. Rieser (eds.), *Words, worlds, and contexts*. Berlin, New York: de Gruyter, 38–74.

Kroeschell, Karl. 1976a. Deutsche Rechtsgeschichte 1 (bis 1250). Hamburg.

Kroeschell, Karl. 1976b. Deutsche Rechtsgeschichte 2 (1250 bis 1650). Hamburg.

Lewis, David. 1973. *Counterfactuals*. Oxford: Blackwell Publishers.

Lück, Heiner. 1999. *Über den Sachsenspiegel. Entstehung, Inhalt und Wirkung des Rechtsbuches*. Halle: Janos Stekovics.

Lühr, Rosemarie. 2010. Bedingungsstrukturen im älteren Deutsch. In A. Ziegler (ed.), *Historische Textgrammatik und historische Syntax des Deutschen. Traditionen, Innovationen, Perspektiven*, 157–172. Berlin: Walter deGruyter.

Masarik, Zdenek. 1989. Zur Wiedergabe der konditionalen Relationen in den frühneuhochdeutschen Dialekten Mährens. In E. Koller, W. Wegstein and N. Wold (eds.), *Bayerisch-österreichische Dialektforschung. Würzburger Arbeitstagung 1989*, 187–193. Würzburg.

Maschek, Walter. 1913. *Zur Syntax der Bedingungssätze im Landrecht des Sachsenspiegels*. Dissertation, Universität Leipzig. Weida: Thomas & Hubert.

Meder, Stephan. 2002. *Rechtsgeschichte. Eine Einführung*. Köln: UTB.

Menéndez-Benito, Paula. 2006. *The grammar of choice*. PhD dissertation, University of Massachusetts at Amherst.

Oppitz, Ulrich Dieter. 1990–1992. *Deutsche Rechtsbücher des Mittelalters*, I–III. Cologne, Vienna: Böhlau Verlag.

Reis, Marga and Angelika Wöllstein. 2010. Zur Grammatik (vor allem) konditionaler V1-Gefüge im Deutschen. *Zeitschrift für Sprachwissenschaft* 29, 111–179.

Rothe, P. 1895. *Die Conditionalsätze in Gottfrieds von Straßburg* Tristan und Isolde. Dissertation, Universität Halle.

Schmid, Hans Ulrich. 2005. *Verspelt aber en man sin gut* – Der Ausdruck der Bedingung in deutscher Rechtsprosa und Chronistik des 13. bis 15. Jahrhunderts. In F. Simmler (ed.), *Syntax, Althochdeutsch – Mittelhochdeutsch*, 351–365. Berlin: Weidler.

Schott, Clausdieter. 1984. Nachwort. In C. Schott (ed.), *Eike von Repgow. Der Sachsenspiegel*, 355–386. Translated by R. Schmid-Wiegand and C. Schott.. Zürich: Manesse.

Tredinnick, V. 1995. On the interpretation and distribution of the suffix -ever in English free relatives. In R. Eckardt and V. van Geenhoven (eds.), *Proceedings of ConSOLE II*, The Hague.

Tredinnick, V. 2005. *On the semantics of free relatives with* -ever. PhD dissertation, University of Pennsylvania.

Source texts

Berthold von Regensburg, *Deutsche Predigten*. D. Richter (ed.). München, Fink. Digital version at Mittelhochdeutsches Wörterbuch Projekt; Trier.

Land- und Lehenrechbuch (1 and 2). Daniels, A. von (ed.). Berlin: Hempel (1863). Parallel edition of Schwabenspiegel, two versions of the Sachsenspiegel (Quedlinburg manuscript, and Low German manuscript, first edited by Zobel) and French manuscript *Le mirroir de Souabe*, Bern, first edited by Matile). The Quedlinburg ms. is close to Homeyer's edition.

Der Sachsenspiegel oder das sächsische Land- und Lehensrecht. C.G. Homeyer (ed.). Berlin: Dümmler (1827).

Der Oldenburger Sachsenspiegel. R. Schmidt-Wiegand (ed.). Graz: Akad. Druck- und Verlagsanstalt (1995). Modern High German translation of Homeyer.

Der Schwabenspiegel in der ältesten Gestalt. Mit den Abweichungen der gemeinen Texte nebst der Zusätze derselben. Erster Teil: Landrecht. W. Wackernagel (ed.). Zürich and Frauenfeld: Beyel (1840).

Der Schwabenspiegels Landrechtsbuch. Zum Gebrauche bei akademischen Vorträgen. H.G. Gengler (ed.). Erlangen: Blaesing (1853).

Leges Anglo-Saxorum 601–925. K.-A. Eckhardt (ed.). Göttingen, Berlin: Musterschmidt (1958). Anglo-Saxon law books between 601 and 925.

Das Rüstringer Recht. W.J. Buma and W. Ebel (eds.). Series *Altfriesische Rechtsquellen: Texte und Übersetzungen.* Göttingen, Berlin: Musterschmidt (1963). Old Frisian Law, 14th century.

Der Nibelunge Nôt. Manuscript B, Sankt Gallen. Digital version at Bibliotheca Augustana. https://www.hs-augsburg.de/~harsch/germanica/Chronologie/12Jh/Nibelungen/nib_b_00.html (accessed September 2016). Manuscript dating from 1250; first manuscript c. 1190/1200.

Der Nibelungen Not. K. Bartsch (ed.). Translated by S. Gosse. Stuttgart: Reclam (1997).

Erec. Hartmann von Aue. A. Leitzmann (ed.). Series *Altdeutsche Textbibliothek,* Tübingen: Niemeyer Verlag (1963). First manuscript c. 1185.

Der arme Heinrich. Hartmann von Aue. U. Rautenberg (ed.). Stuttgart (1993). Digital version at Bibliotheca Augustana. https://www.hs-augsburg.de/~harsch/germanica/Chronologie/12Jh/Hartmann/har_hein.html (accessed September 2016). First manuscript c. 1190/1195.

Die Bibel. Lutherübersetzung. Digital version at archive.org. https://archive.org/details/TheHolyBibleInGermanLutherTranslation (accessed October 2016).

Zwingli Corpus ETH Zurich at (http://www.irg.uzh.ch/static/zwingli-werke/index.php?n=Site.Search)