

Die altfriesischen Eidesbezeichnungen

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0. EINFÜHRUNG¹

Ein prominentes Teilgebiet der altgermanischen, deshalb auch der altfriesischen Rechtsterminologie bildet das Eidesverfahren: der Eid war ja eines der wichtigsten Beweismittel des altgermanischen Rechts. Daher war die altgermanische Eidsterminologie schon häufig und auf tiefgehende Weise Forschungsobjekt.² Jedoch spiele die altfriesische Eidsterminologie, trotz der großzügigen Beachtung, die dem altgermanischen Eidesverfahren schon zuteil wurde, bei den komparativen Untersuchungen der altgermanischen Eidsterminologie oft die zweite Geige. Nicht nur der erst relativ späte Anfang der altfriesischen Überlieferung, der für manche vergleichende Forschungen Schwierigkeiten bildet, sondern auch die qualitativ mind. erwertige Lage, in der die altfriesische Lexikographie sich bedauerlicherweise noch heute befindet, ist wohl mit Grund für jene untergeordnete Rolle. Dazu muss aber bemerkt werden, dass auch die Beachtung seitens der Altfrisistik und der friesischen Historiker selbst eher gering bemessen war. Obwohl die Aussage, 'die Eidsterminologie zeigt in den germanischen Sprachen bemerkenswerte Konstanz'³ für die meisten altgermanischen Sprachen wohl zutreffen wird, scheint die oben skizzierte 'friesische' Lage jedoch ebenso die Behauptung, dass die altfriesischen Quellen bei den vergleichenden Untersuchungen nur teilweise einbezogen wurden. Eventuelle Abweichungen zur altgermanischen Eidsterminologie ließen sich für das Altfriesische also bisher nicht völlig feststellen. Dieser Aufsatz beabsichtigt, ein beschrei-

¹ Ich danke Prof. Dr. Jorich Hoekstra (Christian-Albrechts-Universität Kiel) für seine wertvollen Bemerkungen.

² Eine gute Einführung in das Eidesverfahren und die Eidsterminologie bieten beispielsweise H. Brunner, *Deutsche Rechtsgeschichte* I–II, 2. Aufl., bearb. von C. von Scherwin (Leipzig und München, 1906–1928) II, 512–28 und 568–76; HRG, s.v. *Eid*; K. von Amira, *Germanisches Recht* I. *Rechtsabläufe*, II. *Rechtsmaterien*, 4. Aufl., bearb. von K. A. Eichhardt (Berlin, 1960–1967) II, 166–70. Für das altfriesische Eidesverfahren bietet die folgende Literatur einiges, vor allem aber Rechtshistorisches: M. S. van Oosteren, 'Inleidende beschouwingen over het oude Friesse bewijsrecht', *TiG* 18 (1950), 440–76; R. P. Cleveringa, *Het oud-Friesse 'bewijs'*, *Verhandelingen KNAW*, Nieuwe Reeks 66.4, Afd. Letterkunde (Amsterdam, 1959).

³ *Reallexikon*, s.v. *Eid*, § 1.

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