

FINGERS, COMPENSATION AND KING CANUTE*

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The search for the origin of ideas is a fascinating exercise; but it can lead one far into the forests of history. We started with digital nomenclature and modern schedules of compensation for injury; we rapidly got to King Canute, but that was by no means the end of the story.

During August 1959 in Copenhagen one of us (N. C.) gave a lecture upon "The Hand" and in the course of it referred to the ancient nomenclature of the digits which the other (A. B.) knew from the laws of Canute. All that most of us in Britain know about Cnut is that he was a Danish King of England from 1016 to 1035 and that he rebuked the flattery of his courtiers by showing that the advancing tides paid no heed to his commands. Some may even know that his bones are preserved in Winchester Cathedral. King Canute was also King of Denmark and of Norway, and for all three countries he drew up a code of laws. The fact that in them he laid down certain principles of compensation for injuries is of special interest when, in modern times, we regard the schedules of disability published by the Welfare State as a sign of social advancement.

The naming of fingers was well discussed by Wood Jones, first in his classical work on *The Principles of Anatomy as seen in the Hand*¹ and again in his delightful essays on *Life and Living*.² In the latter, on *The Mammalian Toilet and its Biological Implications*, he gave an interesting account of the anatomical adaptations which facilitate such things as cleaning the teeth and keeping one's fur tidy. In dealing with the problem of removing wax from the ear he wrote:

"Whatever may be the mechanism of freeing wax from the depths of the ear, there is no doubt that its ultimate removal is, in man, effected by the nail of the little finger. So obvious is the office of the little finger in this connection that for centuries the fifth digit of the hand has been known to the learned by the name *auricularis*. Today we term it minimus, but to my mind, though this name may be considered more polite, it lacks the distinction of assigning a definite function, however humble, to this digit.

"In this matter of digital nomenclature we may take Diemerbroeck (1609-74) as our guide. Of the digits he says: 'The first, which is the thickest, and equals all the rest for strength, is called pollex or the thumb. The second is the forefinger from the use, called the index, or demonstratur, the pointer because it is used in the demonstration of things. The third or middle-finger is called impudicus, famosus, and obscoenus, the obscene and infamous, because it is usually held forth at men pointed at for infamy, and in derision. The fourth, the ring-finger, or annularis and medicus, the physician's finger; because that persons formerly admitted doctors of physic were wont to wear a gold ring upon that finger. The fifth, called the little-finger, in Latin *auricularis*, or the ear-finger, for that men generally pick their ears with it.'"

Wood Jones goes on. "It may perhaps be doubted if this explanation of the name 'obscoenus' for the third digit is correct. We all know of the degradation that results from being pointed at with the finger of scorn, but I have a fancy that this is not the origin of that very peculiar name for the middle, or longest digit of the hand. Do we in fact point the third finger at anyone as a sign of contempt or scorn? I think that in such a case the index finger would be employed, and I am very sure that the name 'obscoenus' was given to the third finger for an altogether different, but extremely obvious, reason. As for *auricularis*, he is clear and direct. There is no gainsaying Diemerbroeck's explanation of the name."

It is clear from a study of King Canute's laws that such names for the fingers are very ancient. The laws were written in medieval Latin and in Anglo-Saxon, a modern version, based upon the manuscript in the Colbert Library at Paris, was printed in Copenhagen in 1826³ and the introduction to them states: "Hic incipiunt leges Cnuti, regis Anglorum, Danorum

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et Novorum, viri justissimi et probatissimi.” There is of course in the document much that is of no special interest to us (one being that he laid the foundation of the jury system). Canute did, however, state the principles of compensation for particular injuries, notably to the hand, for the digits of which he gave various names. The currency used was the *solido* or *schilling*, which as far as we can discover was a coin of considerable value. There is reason to believe that the *solido* valuations can be interpreted as percentages, because 100 *solidos* were awarded in total paralysis after a broken neck, and Trevelyan⁴ remarks that 100 *schillings* were paid if a man was slain. In Canute’s laws, for the loss of the *pollex* the compensation is valued at 30 *solidos*. For the “*Secundus digitus nominatur index sive demonstratorius*” the amount was 15 *solidos*. For the “*tertius digitus qui nominatur impudicus*” it was 12 *solidos*; for the “*quartus annularis*” 18; and for the “*quintus auricularis*” 9. Compared with the British Ministry of Pensions⁵ schedule the resemblance is striking, for there the losses respectively are reckoned at: for the thumb 30 per cent; for the index finger 14 per cent; for the middle finger 12 per cent; for the ring finger 7 per cent; and for the little finger 7 per cent.

COMPENSATION FOR AMPUTATIONS

Alfred and Canute	Solidos	Ministry of Pensions	Per cent
POLLEX . . .	30	THUMB . . .	30
DEMONSTRATORIUS	15	INDEX . . .	14
IMPUDICUS . . .	12	MIDDLE . . .	12
ANNULARIS . . .	18	RING . . .	7
AURICULARIS . . .	9	LITTLE . . .	7

We see therefore that in Canute’s time the overwhelming importance of the thumb was fully recognised. This point is emphasised when we find that for the fracture of one arm 15 *solidos* were paid, but if both arms were fractured 30 *solidos*. Loss of the thumb was equivalent to fractures of both arms, and fractures were certainly very serious in those days.

Canute was a great king, for, as Trevelyan⁴ states, “had he lived until sixty instead of dying at forty, he might have left a more permanent mark on the world’s affairs. He was on the way to found a Nordic empire astride the North Sea with Scandinavia for one pillar and England for the other. Sea power would have been its cement and its masterspirit.” Although his laws contain much that was original, a great deal was based upon earlier Anglo-Saxon models; particularly this matter of compensation for mutilations, which we find is taken almost verbatim from the laws of King Alfred the Great of Wessex (c. 848–900).⁶ But the story does not end there, because we find that Aethelbert, the first Christian Anglo-Danish king of Kent, who died in 616, laid down the same principles of compensation though in somewhat more primitive form.⁷ Aethelbert described the index finger as the “shooting finger.” The question now is whether he was the originator of the idea of scheduled compensation for mutilation. The answer must be in the negative, for in the laws of the Salic-Franks (the northern tribes of the Merovingian Empire) dating from some time between 507 and 511,⁸ we find it laid down, for example, that if a hand or foot is cut off 100 *solidos* must be paid; for a thumb 50 *solidos*; and for the index finger 35 *solidos*. This finger in the Salic laws was named the “*sagittatur*”—the finger that shoots the arrow, a point that lends support to the view that it was from this source that Aethelbert got his idea, a probability which is reinforced by the knowledge that he married a Christian princess, the daughter of the Frankish king Charibert of Paris. It was she^{4,9} who persuaded him to accept Christianity when Augustine landed in Kent in 597. Was it not probable that she also brought him some of the civilised ideas of her Frankish ancestors?

And that is almost the end of our search: it only remains to note that we have not been able to obtain any evidence that such compensation schedules are to be found in Roman law.

Perhaps, therefore, we should revise somewhat our opinions upon the darkness of the ages in which our Nordic ancestors lived.

NAMES OF THE FINGERS

Modern English		Alfred's Anglo-Saxon
THUMB	Pollex	DUMA
INDEX	Forefinger, salutatorius, demonstratorius, shooting, sagittatur	SCYTHE FINGER
MIDDLE	Medius, famosus, impudicus, obscoenus	MIDLESTAFINGER
RING	Annularis, medicus	GOLDFINGER
LITTLE	Minimus, auricularis	LYTLAFINGER

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