

Lisi Oliver, *The Body Legal in Barbarian Law*, Toronto, Buffalo, and London: University of Toronto Press, 2011. Pp. 320. \$65.00 (ISBN 978-0-802-09706-4).

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Barbarian laws are closely inter-related, with many resemblances between the codes issued between the sixth and ninth centuries by the Germanic peoples of continental Europe and those of Britain. However, it is uncertain which shared features derive from a common core, representing ancient Germanic law, and which result from later influence, whether areal or textual. This book investigates the relationships between legislative traditions through comparative analysis of the personal injury tariffs defining compensation for various forms of assault.

Eight main chapters deal with the historical context of the laws (chapter 1), legal procedures (chapter 2), treatment of individual body parts (chapters 3–5), insults and corporal punishment (chapter 6), assaults against women (chapter 7), and assaults according to rank (chapter 8). Chapter 9 presents a summary of findings in relation to the transmission of law. An appendix setting out fines as percentages of wergild is apparently available in fuller form on the publisher's web page (247), but I could trace neither this nor other online appendices mentioned elsewhere (viii, 176, n.55).

The level of scholarship is very high. Lisi Oliver is a leading specialist in early medieval law, and draws on an extensive knowledge of the barbarian codes as well as evidence from archaeology, history, linguistics, and medicine. Her analysis is painstaking and thorough, and leads to important new conclusions. Particularly interesting are indications that major divisions lie between east and west rather than between north and south, and that correspondences between the laws of Bavaria and of Visigothic Spain may reflect ancient traditions. Smaller but significant insights include support for the view that the injury tariff of Alfred the Great was based on that of Æthelberht (162).

As the injury laws are central to the investigation, their texts could usefully have been included. Lack of space can scarcely be an issue, as there is much repetition and redundancy throughout the book. Many points are made more than once, others “just for fun” (103, n. 67), and comparisons with present-day America are not always apposite. Substantially the longest chapter is “Process and Procedure,” which begins with an excellent synthesis of primary sources but then “moves to the realm of fiction” (61) by constructing hypothetical cases. These add little, and could have been removed with autobiographical digressions and other irrelevancies.

Oliver engages enthusiastically with her subject, and makes some perceptive observations. A weakness is a tendency to speculate, prioritizing her own views over the evidence. Despite repeatedly noting that no laws distinguish in value between the predominant and non-predominant hand

(50–51, 62, 141, 239), she assumes such a distinction for a fictional case (62–66) and for penal amputation (172), and even asserts that “the predominant hand . . . should be assessed more highly in law” (239). Similarly, although the laws value the leg equal to or above the arm, she states confidently: “I do not believe that this proportion was any more appropriate then than it would be now” (239). Her hypothesis that “the fines set by law are maximum penalties, which can be reduced if the circumstances indicate accidental rather than deliberate injury” (64) is, as she acknowledges, unsupported by evidence. It also overlooks the fact that the laws focus not on perpetrators but on victims, who are no less handicapped by accidental than by deliberate injuries. Equally dubious is the assumption that compensation of 600 *solidi* (three wergilds) for killing a pregnant Salic woman “must include payment of her wergild, that of the child, and another 200 *solidi* for the horror of the offence” (241). Might it not alternatively compensate for future offspring, as with payment of three wergilds for damaging a Kentishman’s penis (134)? Conclusions on such topics as obligatory labor by Lombard freedmen (210, 226, 240) and early medieval attitudes toward rape victims (192–93, 243) are likewise open to challenge.

The complex data are illustrated by figures, maps, and tables, which appear to be interchangeable: Figure 9.2 (228), described as a “Tabulation,” reproduces Maps 5.1 (139) and 3.1 (97). The use of color would have been beneficial, and was perhaps intended, as Table 1.2 refers to being “colour-keyed to Map 1.2” (19). Shadings used instead are not easy to follow, especially as no consistent pattern emerges: lighter shading represents higher percentage in Map 5.1 (139) and Table 5.1 (138), but darker shading represents higher valuation in Tables 4.1 (134) and 4.2 (135). Further confusion is caused by discrepancies between these three tables and explanatory text.

Typographical errors are rare, and the book is attractively presented. The style includes more colloquialisms than are customary in academic prose; however, this does not undermine the scholarly achievement. Despite imperfections, the study represents a real advance in understanding of the Germanic laws in general, and of personal injury legislation in particular. As with other groundbreaking research, it is only surprising that this comparative approach has not been applied before.

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