

of law studies abroad and their relationship to the development of the legal system in early modern Sweden. She is clearly well-versed in different languages and her efforts to collect data in foreign archives and libraries deserve special praise.

Ola Winberg
 Dept. of Education
 Uppsala University
 Sweden
ola.winberg@edu.uu.se

Elizabeth Walgenbach, *Excommunication and Outlawry in the Legal World of Medieval Iceland* (The Northern World 92), Brill: Leiden & Boston 2021, ISBN 9789004460911, 178 pp.

The book is a revised version of the author's PhD thesis at Yale University. It consists of five chapters, each ending with analysing conclusions. Already on the first page, the author makes clear her fundamental theses and points of departure in a short section providing the reader with a clear and interesting introduction to the topic. The author states that 1) outlawry is better understood when the term and the application of outlawry according to Icelandic sources are put in relation to the Church's legal system, both with regard to legislation and application, and that 2) the Icelandic "outlawry" was obviously very much influenced by the Church's opinion of excommunication. Consequently, there was no sharp dividing line between secular law and administration of justice on the one hand, and the Church's counterparts on the other.

The aim of the study is to analyse (explain) Icelandic texts, legal (mainly *Grágás*) as well as narrative ones (mainly *samtíðarsögur*), in the light of how the learned elite in Iceland interpreted and made use of the phenomenon of excommunication. The author describes her book as a mainly church law historical investigation on a local level (Iceland) and as a study of *ius particulare* in a wider European perspective.

To a Swedish reader, it is a sort of relief that you are spared a thesis burdened with an overloaded theoretical prelude. The author has managed to limit the "Introduction" to four pages without this taking away from the intelligibility with regard to the aim of the study and its points of departure—quite the contrary!

In order to give the reader a terminological and historical starting point, the author presents in the two first chapters fundamental and analysing surveys of excommunication and outlawry during the Middle Ages. As she remarks, both forms of punishment have been studied in earlier research, and she relates to this throughout the investigation, thereby thoroughly pointing out her own opinions.

In the chapter on excommunication (pp. 6–37), the author gives an account of how this form of ecclesiastical punishment developed and changed from the early Middle Ages to the late Middle Ages, and how it was introduced in Iceland with regard to both legislation and narrative sources. She points out that in the thirteenth century there was a change in Iceland, as well as in the rest of Western Europe; in Iceland during the latter part of that century. She also draws attention to the fact that in this case the nar-

rative sources are so brief that it is difficult to establish what excommunication really meant in each individual case. This observation is important. Although it is, at least partly, based on earlier research, it is thanks to the author that it is brought to the fore. Her further account in this chapter is a valuable analysis of excommunication based on several different kinds of sources, not just Icelandic ones but also the canon law that was operative internationally as from the early Middle Ages. Here some more sources from the high Middle Ages might have been taken into account, above all *glossa ordinaria* to the primary sources of canon law in *Corpus Iuris Canonici*, since the glosses represent the Church's semi-normative interpretation of the sources. Probably, however, that would not have changed the author's conclusions to any appreciable extent; she has not at all neglected the most important sources. Consequently, the elegantly presented survey will be of benefit for future studies. Here, in a very good way, she discusses the rather indistinct Icelandic/Old Scandinavian terminology in the legal sources related to excommunication, and she can establish that during the period after 1275 at the earliest, there are sources in Iceland showing adaption to and reception of texts from the internationally accepted canon law on excommunication.

Starting out from mainly legal sources, the author devotes the second chapter (pp. 38–64) to “outlawry” as a punishment involving social exclusion and loss of legal protection. She underlines that the documentation of this phenomenon is less comprehensive than that concerning excommunication. Despite this, the author manages to present in a convincing way a broad and long chronological perspective going back to Merovingian times and the fascinating fact that a criminal could be declared/become a *wargus* in its a bit inaccessible but interesting etymological meaning. She rejects—and rightly so—that there was a direct continuity between the Merovingian sixth century and Iceland in the thirteenth century as regards legal terminology in this case. It is better to turn to Old English sources from the latter part of the eighth century and onwards, she argues, which she does in chapter 3 (pp. 65–98).

As for the Icelandic sources, her focus is on *Grágás* and the descriptions of “outlawry” found there. The author establishes that this sanction is not as unambiguous as has sometimes been maintained. On the contrary, *Grágás* contains many different ideas regarding the phenomenon. An analysis of the specifically Icelandic and tricky form of punishment called *þjórbaugsgarðr*, which in principle only occurs in Old Icelandic texts, is also given well-deserved space in the book. Furthermore, the author deals with outlawry in the sagas of the Icelanders, underlining that the sagas, unlike the legislation, deal more with the consequences of outlawry than the laws with regard to those who were affected. Of course, this observation is important, as the author thus demonstrates how the sagas provide a psychological contribution on an individual level to the understanding of the application of penal law. This is one of many essential results of the investigation.

In the third chapter, the author argues that outlawry, especially during the latter part of the Middle Ages, should be regarded as a sanction inspired by and derived from the Church's excommunication, and could therefore be said to function as a “secular excommunication.” At the same time, she emphasizes that it is difficult to demonstrate the validity of her argument “in a strict sense.” However, she makes some attempts, building also upon sources from Norway and England, together with

investigations of the manuscript tradition that has preserved the Icelandic texts. In four sections, she develops her argumentation for the thesis in a competent way, for example through reflections about how independent ecclesiastical law and secular law were in relation to each other. Here, she presents the interesting observation that outlawry was used as a punishment for crimes against ecclesiastical law more frequently than one would think (and, you would like to add, despite the fact that the Church had its own form of punishment through *excommunicatio maior*), thereby underlining the obvious tension between ecclesiastical and secular penal law in the “totally” Christian/churchly society. She ascribes this to a direct intellectual influence from excommunication on outlawry. Generally, this chapter, too, is an accomplished and nuanced contribution to research, not least with regard to the question of the right to be buried in consecrated ground, where her discussion on the coming into being of *Grágás* and its character is very fruitful, among other things because it partly diverges from more traditional opinions.

In order to elucidate the legal aspects as they appear in the normative sources, the author devotes the last two chapters (pp. 99–153) to conflicts related to excommunication and outlawry depicted in narrative sources, namely a story from *Sturla Þórðarsons Íslendinga saga* from the latter part of the thirteenth century about a lengthy controversy between the bishop of Hólar and a chieftain between the years 1203 and 1237, and narratives about Aron Hjörleifsson who was active during the 1220s as a bishop’s supporter. Aron was made an outlaw but managed to overcome this through a pilgrimage to Jerusalem and the benevolent support of the Norwegian king, who accepted him at the court. Undeniably exciting events took place around Aron. The reader is grateful that they have been described by the author together with an excellent analysis. Consequently, both chapters concretize in what way a bishop as well as a secular potentate could administer the law, a concretization that cannot be achieved via sources from the other Scandinavian realms.

Finally, it is very gratifying that Elizabeth Walgenbach has devoted herself to such a complicated theme as excommunication and outlawry during the Middle Ages and managed to deal with it so efficiently. The results of the study rest on solid ground thanks to her skilful and learned treatment of the legal as well as the narrative source material, in combination with previous research.

Bertil Nilsson

Lund

Sweden

bertil51nilsson@gmail.com