

H-Net Reviews

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Annette Hoff. *Lov og Landskab ca. 900-1250.* Odense: Ö?rhus University Press, 1998. 424 pp. DKK 298.00 (cloth), ISBN 978-87-7288-717-3.

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In her thesis, Dr. Annette Hoff defines her aim quite clearly as follows: The principal aim of this study is, to begin with, to demonstrate that even the agrarian chapters in Danish provincial laws consist of various chronological layers. Some of this was influenced by canon law while other parts have an unmistakably customary character. On this basis, it has then been the aim to describe the development of the elements of the cultural landscape on the basis of the observed chronological discrepancies between the individual laws the village with its farmsteads; the cultivated land with fields and meadows; the uncultivated land with its pasturage, woods and reads through the period from the Viking age down to the writing of the laws around 1150-1250.

Here, the definition of 'landscape' appears a little narrow, including, only, human exploitation of soil and woods, but not the land in its own virtue and the interchange between men and their surrounding, as depicted so masterly by Hugo Matthiessen in his book 'The Danish countryside' (1942, missing the bibliography) or the interchange, as attempted by Dr. Thorkild Kjærgaard *The Danish Revolution, 1500-1800* (1991; later translated into English). One may wonder in this context, whether the Northscandinavian provincial laws can really lay claim to relevance. On the other hand, the Baltic countries glitter by their total absence.

The results of her investigation appear clear-cut: the different layers of the provincial legislation, including other germanic and celtic peoples; in addition diplomas, infomative sources written and artistic archeological evidence and science have been exploited. All these sources permit us, over the period 900-1250, to distinguish between several phases and provincial peculiarities. Finally, the reception of canon law during the twelveth and thirteenth centuries has been stressed somewhere even

overstressed a fact that has been known since the late nineteenth century (Ludvig Holberg [1981] and N.K. Andersen [1941]). Probably Dr. Hoff's conclusions are valid; the book raises two points, which deserve closer inspection, though.

First, the author relies without reservations upon the philologists' distinction between early and later strata according to source-critical and philological criteria which do not, necessarily, correspond to historical analysis (cf. Erik Arup's analysis of the leding-rules of the Jutland law 1914; not quoted though his opponent, Poul Nørlund [1928] is mentioned). In all circumstances, dr. Hoff's confidence in oral tradition so often invoked seems exaggerated. Of course, oral tradition could be possible over a generation or two, but survives only, when written down in a literary society, emerging only in the tweleveth century; the rest, left over to oblivion, remains totally asent (cf. *Historisk tidsskrift* 96. *Cph.*, 1996, pp. 122-24).

Furthermore, the author's insights into early medieval, international history seem to have been a little limited, a society, that was as the author points out aristocratic rather than democratic (as imagined by romanticism) but also wore the stamp of *inventio legum*, the transformation of natural law into positive law, the establishment of customs (like the laws 'good and old'); the *leges condere*-concept of Roman origin appears only ab. 1200. Second, the co-operation of monarchy and church lasted until the 13th century, have left an inheritance of a well-drilled society.

It would serve no purpose to list, here, several minor stains; they seem, however, to demonstrate an inclination to draw conclusions too rapidly. More important is the absence of not few important studies; a few have already been mentioned, but we could add Marc Bloch's

Caractères originaux and Anne K.G. Kristensen's inquiry into Danelaw institutions and the nature of early Germanic society. These objections can, however, detract nothing from the merits of dr. Hoff's book, and among these not least, that the book will undoubtedly provoke discussion, the sinew of all historical research.

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