

Tom Lambert. *Law and Order in Anglo-Saxon England.* Oxford: Oxford University Press, 2017. xvi + 390 pp. \$115.00, cloth, ISBN 978-0-19-878631-3.

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Coming in at nearly four hundred pages, this is a weighty text. It is also ambitious, taking on and rethinking the dominant approaches to the historical analysis of law and legal culture in Anglo-Saxon England. Tom Lambert begins his book with a question about why a strong Anglo-Saxon “state” with significant interest in centralized authority would allow for the continuation of feud culture and personal or kin-based vengeance. Throughout, he argues that kings were not so weak that they could not stop vengeance killings but that they did not wish to. In laying out this argument, Lambert undertakes two important and related efforts in the historical study of Anglo-Saxon legal culture. He attempts to read the evidence on its own terms, to avoid backward-looking approaches and the imposition of later evidence and perspectives on earlier evidence. He challenges models of reading early Anglo-Saxon legal order and practices that have become normative to the point of being nearly invisible when invoked, particularly the distinction between “top-down” (vertical) justice and “kin-based” (horizontal) justice associated with feud culture. As he says, “Rethinking our approach to law means questioning both conventional conceptual categories and the terms in which we describe legal practices and structures” (p. 11). His very reasonable aim is to test the models against the evidence.

The book advances chronologically, beginning with the seventh-century reign of Æthelberht of Kent and concluding with the Norman Conquest. It is divided into two halves, the first emphasizing the early foundations of Anglo-Saxon legal culture and the development of royal administration into the tenth century, and the second considering royal authority, the bounds of the Anglo-Saxon “state,” and the legal practices of maintaining social order. Part 1 begins with the important foundational understandings that Æthelberht’s laws as they were written down largely represent sixth-century, pre-Christian law, and that they do not provide a complete record of Kentish law but rather assert a view of the ideal society onto that pre-Christian legal tradition. From these understandings grow two discussions. The first looks at the laws and considers what they might tell us about practical purposes of the law in the sixth century. The second reads Æthelberht’s laws as an ideological whole that imagines an ideal social order, the ideal subject within that order, and the role of the king.

Focusing on compensation tariffs, Lambert observes that “virtually every clause of the code is concerned to define an affront and the compensation appropriate to it” (p. 35). Since compensation for affronts cannot have been the sole purpose of law, he suggests that this dominant concern repre-

sents what was most important to sixth-century Kentish culture: namely, honor. Following from this, he persuasively posits that the laws, so careful and exact in their tally of compensations, acted as authoritative statements about what was an honorable price to pay and to receive, which would allow both parties to retain their honor in resolving a conflict. As a result, feud was not extra-legal but the recognition of some degree of transgression in need of an honorable resolution. Perhaps most important, the explicit assumption underlying this argument is that compensation tariffs were used perhaps not as exact equivalencies to be applied in the case of every injury but as starting points for negotiating resolutions to violations of honor. This view allows for both a local feud culture (where reputation and honor mattered because people knew each other, justice was local, and community stability required satisfaction) and an overarching statement of standards (where neighboring localities within the kingdom would have common values and so understand themselves as part of a common people).

From this practical understanding of a society held in balance through a careful tending of honor, Lambert considers whose honor mattered and unpacks an ideological thrust to Æthelberht's laws. In short, the laws assert a model society composed of free males who acted in particular ways to maintain their honor, with justice being local and communal. The vision is of a hierarchical society primarily structured around households made up of a free man and those dependent on him (women, free men of lower status, and unfree people). In this locally managed ideal society, the king would hardly seem to be necessary. However, Lambert argues that the role of the king was almost that of a householder on a larger scale. He acted as a unifying figure. He could expect to be fed by the people, but in turn he owed them protection at the assemblies he called. Although his role may not have been defined by giving or making laws, he gave voice to and could, to a certain extent, enforce a common set of standards that

gave the people (in other words, free males) a common identity. It is from this foundation that Lambert then reads the legal developments of subsequent centuries.

Perhaps the weakest argument of the book appears in chapter 2. Here, Lambert argues that, although there were legal developments over the course of the seventh century, primarily in the assertion of royal authority to punish, these changes not only were driven by Romano-Christian ideology but also were grounded in native legal tradition. In an attempt to define categories of law, he compares Æthelberht's laws with the late seventh-century Kentish laws of Hlothre and Eadric, and Wihtred, and the West Saxon laws of Ine. He begins from the welcome premise that the modern categories generally applied to these laws of "primary" and "secondary" legislation probably do not reflect the categories that contemporaries understood. What follows is a not-very-persuasive lexical analysis that probably ends up in the right place. Building on foundations laid by Patrick Wormald, Lambert initially claims that the prologue to Æthelberht's laws does not provide a categorical term, but that the prologues to the laws of Hlothre and Eadric, and to those of Ine, use the term "*æ*," and that the prologue to Wihtred's laws uses "*þeaw*." He then offers the distinction that *æ* probably represented the formalized law that was memorized, and the kind of law that was memorialized in writing by Æthelberht, and that *þeaw* probably represented customary practice. In truth, Lambert's three categories of law—formalized law memorized by rote, customary practice, and royal judgment—make sense in terms of the extant evidence and do add a practical layer to the standard historiographical categories of primary and secondary legislation; however, his way of identifying these three categories as contemporary from the language of laws is problematic. The use of the two terms that appear in three of four prologues across two kingdoms is scant evidence indeed, and reading one term backward onto an earlier set of laws to make his point about

developments in legal practice goes against his own methodology. Moreover, he introduces a third category, *dom*, referring to kings' judgments, positing that these were probably more frequently changes to *þeaw* than to *æ*. Unfortunately, the word "*dom*" appears in all four of the law codes under consideration in this chapter, and Æthelberht's laws specifically refer to themselves as *do-mas*, not *æ*, so it is a bit difficult to accept Lambert's proposed vocabulary for the three categories of law as contemporary. Yet a bit of comparative work on the uses of the three words in other contexts by way of the *Dictionary of Old English Corpus* may very well have upheld Lambert's conclusions broadly.

Returning to the developments in the structure of kingdoms and royal administration between the late seventh and tenth centuries, Lambert is again on strong footing. He provides a useful description of administrative roles and processes emphasizing two sides to royal rights and administration. The first is the right to renders of food and labor services—particularly bridge and fortification work—and the second is military service. Lambert demonstrates the administration of the first developed in three stages: oversight by rural reeves, a network of *burhs* as collection points, and finally the use of local assemblies. Military service was largely overseen in the earlier period by client kings and in the later era by ealdormen. What Lambert shows nicely is how these two administrative systems were essentially rooted in networks of various obligations. Royal judgments were communicated through assemblies; justice operated on a local level under the auspices of royal authority but rarely royal power; and communal obligations to carry out judgments rendered by assemblies were complementary with, if not rooted in, a feud system. In this system, kings needed to cultivate loyalties, done most easily through their sharing of punitive fines and their rights to renders of food and labor. But the impetus to carry out judgments by assemblies was primarily driven by honor and obligation among

those whose support could be expected to be necessary in the future.

Finally, taking up legal developments in the later Anglo-Saxon period to consider the realities of royal power and the extent to which we can talk about a "state," Lambert reassesses the dominant scholarly narrative that late Anglo-Saxon law witnessed a major shift toward vertical justice and away from local oversight, with kings asserting their authority more forcefully—particularly through punishment of wrongdoing—at an ever-more local level. In these chapters, Lambert begins with a discussion of the motivation of kings' policies as not crime and punishment but rather the improvement of English society in support of order. As he works through the material in some detail, Lambert provides a full view, especially of royal intervention in violence, and concludes that kings primarily intervened by extending royal protections in innovative ways that discouraged violence, not by expanding punishment. In particular, he suggests that legal rights in the later Anglo-Saxon period are better understood as financial or economic rights. By extending the logic of personal honor and the right to compensation for wrongdoing in the form of rights to revenues, the ideal of communal justice was maintained. Lambert presents a view of legal order and governance that evolved and that were negotiated according to social developments. There is no reason to think that kings were interested in dramatically changing or replacing the traditional legal culture or its foundational ideologies; rather, they were committed to improving social order in support of traditional ideals.

There is significant value in challenging existing models, as Lambert does throughout the book, especially when those models may prove overly schematic and keep us from really seeing our sources on their own terms. However, models do have their place and they facilitate discussion, ensuring that we work from a common vocabulary and do not have to redefine the terms of our dis-

cussion *ad nauseam*. Therefore, Lambert's efforts to refocus our attention so that we can see our evidence with fresh eyes, not least in attempting to free the early evidence from the accretions of later evidence and assumptions, are most welcome, but the strenuous rejection of models is, at points, somewhat counterproductive. There is also an unfortunate number of editing errors, ranging from simple typographical slips to inaccurate citation. Sadly, I have found this to be common in Oxford University Press books generally over the past several years. These criticisms notwithstanding, this book is an important contribution to the scholarship on Anglo-Saxon law and legal culture, one that deserves a place in bibliographies and classrooms, and will certainly have a place in my own.

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