Medieval Law and Its Practice

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VOLUME 31

Wergild, Compensation and Penance

The Monetary Logic of Early Medieval Conflict Resolution

Edited by

Lukas Bothe
Stefan Esders
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Preface and Acknowledgments

The present volume is the result of an initial observation that the theme of wergild, although immensely important in (early) medieval culture and prominent in numerous sources, has been understudied in the last decades. Although wergild might at first sight appear as a very special aspect of medieval law, it becomes soon obvious that it can provide a key to understanding medieval societies — their modes of conflict settlement, but also their social cohesion and mentalities. With its focus on the payment of wergild, the volume thus documents a process of reflecting this topic that evolved over the years. The editors first met at the International Medieval Congress in Leeds in 2011 to organize two sessions titled 'Establishing a Person's Worth: Approaches to Wergeld and Composition'. The positive feedback we received inspired us to convene an international conference on the same topic, but in an extended perspective. Thus, 'Wergild, Compensation and Penance. The Monetary Logic of Early Medieval Conflict Resolution' was held 29 and 30 September 2014 at the Freie Universität Berlin, in a collaborative effort of the DFG Collaborative Research Centre 700 — Governance in Areas of Limited Statehood (Stefan Esders and Lukas Bothe) and the Frisian Academy (Han Nijdam). Having engaged in lively discussions at the conference, most of the speakers were willing and able to convert their presentations into contributions to this present volume. We hope that it can stimulate further research on what still seems to be a fairly neglected topic.

A few remarks need to be made on the scope and content of this volume. The main focus of its contributions is on the legal history of wergild and on monetary conflict resolution in the early medieval period, sometimes in relation to the late antique predecessors of the cases described. In a number of cases a comparative approach is taken, which often leads to the use of the very inspiring studies of later medieval Scandinavia that have been written lately. However, even though legal texts from later medieval Scandinavia have been considered, the large body of Icelandic saga literature remains immaterial to this volume. Moreover, a comparative approach that extends beyond Christian Europe remains to be taken. As legal and technical language figures prominently on numerous occasions, a final remark concerns the use of Latin in the contributions: for the sake of accessibility, we have tried to provide as many translations of the Latin quotations as possible. Being well aware of our aim's limitations, we cited existing translations where available and provided our own where necessary.

A great number of people helped in the various phases of this project and deserve our gratitude. First of all we would like to thank our contributors for their patience and endurance. Getting this volume done took us more time than we had ever hoped or feared. In chronological order we would further like to thank the moderators of the IMC sessions, Arnoud-Jan Bijsterveld and Alice Rio, and also Christophe Camby, who contributed to one of the Leeds sessions. Our thanks go also to the participants of the Berlin conference for their contributions and participation in an intense discussion: especially Jenny Benham, Christoph Meyer, Nurit Tsafrir, the late Miriam Czock, Ludger Körntgen, Marianne Elsakkers and Miriam Tveit.

Our special thanks go to John Hudson for allowing this volume to find a fitting place in the series "Medieval law and its practice". The people at Brill Publishers were extremely helpful and supportive, in particular we would like to thank acquisition editor Kate Hammond and Marcella Mulder. We would also like to express our gratitude to the unknown peer reviewer for the beneficial review and constructive critique of the volume.

Finally, we are extremely grateful to our student assistants Michael Eber, Felix Fischer, Anna Gehler-Rahůnek, Gerd Krause, Friederike Michel and Victor Wagner who helped us in various stages of the project. In the course of producing this book, Courtnay Konshuh and Keith Ruiter accurately checked and revised the contributions by authors who are not native speakers of English, while Albert Fenton created the index. Without all their help, this volume would not have come into being.

Lisi Oliver, an inspiring scholar of early medieval law and a wonderful colleague, contributed hugely to bringing people together at the symposium in Berlin. Both her talk and her overall presence were absolutely stimulating and remain unforgettable for those who were present. Lisi sadly passed away suddenly on June 7, 2015 in a tragic traffic accident and is greatly missed by everyone who knew her. We would like to extend our huge gratitude to Lisi's close colleagues Andrew Rabin and especially Stefan Jurasinski for their help with asking permission from Lisi's heirs to have her contribution to this volume published and with finalizing the article. It is to the memory of Lisi Oliver that we would like to dedicate this volume.

Figures and Tables

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Abbreviations

CCSL	Corpus Christianorum, Series Latina
MGH	Monumenta Germaniae Historica (and its following subseries)
AA	Auctores antiquissimi
Capit.	Capitularia regum Francorum
DD	Diplomata
EE	Epistolae
Fontes iuris	Fontes iuris Germanici antiqui in usum scholarum separatim editi
LL	Leges (in Folio)
LL nat. Germ.	Leges nationum Germanicarum
SS	Scriptores
HRG	Handwörterbuch zur Deutschen Rechtsgeschichte
LexMA	Lexikon des Mittelalters
RGA	Reallexikon der Germanischen Altertumskunde
Transactions of RHS	Transactions of the Royal Historical Society
ZRG	Zeitschrift der Savigny-Stiftung für Rechtsgeschichte
GA	Germanistische Abteilung
KA	Kanonistische Abteilung
RA	Romanistische Abteilung

Bibliographical note:

Throughout the footnotes and bibliographies superscript numbers before years mark the edition of the work cited (e.g. Heinrich Brunner, *Deutsche Rechtsgeschichte* vol. 1, Leipzig ²1906 = second edition, Leipzig 1906).

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