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Book review

Han Nijdam, Jan Hallebeek & Hylkje de Jong (eds)

Frisian Land Law: A Critical Edition and Translation of the *Freeska Landriucht*.
(Medieval Law and Its Practice 33.)

Leiden: Brill, 2023. 449 pp.

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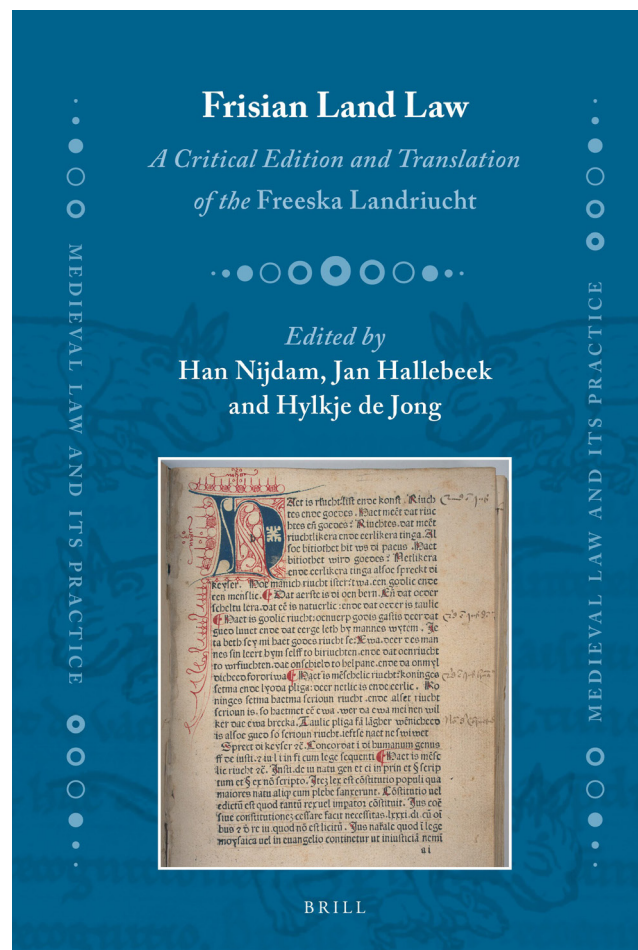
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The historical core regions of Frisia, an area hugging the North Sea, extended from the present-day Belgian-Dutch border (the former inlets of Sincfal/Zwin) to the river Weser in Germany. The Frisians settled on this coastal strip after 400 CE, during the Migration Era. This Germanic people was overpowered by the Franks during the eighth century. Consequently, we have Charlemagne, King of the Franks (r. 768–814) and Emperor of the Carolingian Empire (r. 800–814), to thank for the first written evidence of the customary law of the Frisians, the *Lex Frisionum*.¹

After the conquest, the Frisians were taxed by the Frankish ruler to whom they swore an oath of loyalty, while they were governed by an official with the title of count, nominated by the king (see pp. 4–5). However, the Frisians were largely allowed to manage their own business in accordance with their own traditions, the Frisian Freedom. This permitted the Frisian legal system to continue to develop organically

(9–10). As the book's main editor and translator, Han Nijdam of the *Fryske Akademy* (Eng. Frisian Academy), has observed (9): “The legal tradition evolved without interruption, caused by legislative interventions by a king or count aimed at modifying existing law.”

The twenty-one legal texts that are edited and translated in the book represent the organic continuity of the Frisian legal tradition. The book has two introductions that set the scene for the critical edition(s) with the two parallel texts, Old Frisian and the English translation. The first introduction (3–61) is written by editor and translator Han Nijdam, one of the foremost experts on Old Frisian and medieval Frisian law. He has been responsible for translating the Old Frisian main texts. The



¹ The *Lex Frisionum* only survives in a sixteenth-century printed book, available online at: https://www.leges.uni-koeln.de/wp-content/uploads/pdf/Herold_LexFrisionum_Auszug.pdf (visited 31 August 2025).

second introduction (62–77) is penned by Jan Hallebeek and Hylkje de Jong, both from the Vrije Universiteit Amsterdam. They translated the later medieval Latin glosses on the Frisian-language texts. Both introductions have a joint bibliography (78–86). The first introduction not only presents the texts that form the basis of the edition as well as the editorial principles, but also provides readers with a welcome short introduction (17–31) to medieval Frisian law.

The special Frisian legal terminology is discussed in the introduction. As some key terms, such as *skelta* (e.g. magistrate, judge), *asega* (e.g. law speaker, judge) and *attha* (juror), do not have exact English-language equivalents, they have been left untranslated. A glossary on this terminology can be found at the end of the book (443). Moreover, at the very end, there is an “Index of Allegations in the Glosses,” listing all the referred books and chapters of the *Corpus iuris civilis* and *Corpus iuris canonici* (444–449). The introduction includes the referred (works of) medieval jurists in the glosses (68–71). As there is no general index, readers interested in certain fields of law, specific crimes or norms must have the patience to read through the somewhat scattered texts.

This is the first English-language translation of these texts, some of which were probably transmitted orally for decades or even centuries before being written down. When were the texts first composed and put into writing? According to the editor, this has been “a heavily debated question” (11). However, he does not open the various theories or differing opinions to the readers in detail. One such debate seems to be whether the first versions of the law texts were written in Latin and then translated into Old Frisian, or vice versa (13).

Han Nijdam observes that even if the oldest extant Old Frisian manuscripts can be dated to the late thirteenth century, content-wise the dating would be the eleventh century. He then goes on to argue (12) that “[i]t seems most likely to assume that the first Old Frisian legal texts were composed and written down in the 11th century and grew considerably in the 12th and 13th centuries (and that the language of the texts was updated to the Old Frisian of that period).” Thus, the texts are layered and have been amended and updated for a long period of time. The youngest texts in the *Frisian Land Law* can be dated to 1323 and 1417 (16, 440–431). The texts are written in a very heterogenous style: some are concise lists, while others recount histories of the Frisian Freedom or mythical lawgivers in Antiquity (e.g. “2. What is Law?”, 96–115; “16, The Book of Emperor Rudolf,” 400–405).

The fifteenth century brought with it learned jurists who started to combine Frisian law with learned Roman-canon law, the *ius commune*, thereby creating the *Jurisprudentia Frisica*. During this period, the layered and rather incoherent texts were subdivided and systematized to some degree. However, the glosses unevenly commenting on the Frisian Land Law from the perspective of canon and Roman law apparently antedate it (ca. 1250–1400, 16–17, 33, 73–76). This volume contains 188 glosses of varying type and length, referring to or “making 545 allegations” to various works: 340 references are to the *Corpus iuris civilis* and 205 to the *Corpus iuris canonici* (65). The editors assume that there were several glossators, of various time and origin, with connections to European centres of learning and with access to books (73–74). Their argumentation sounds quite plausible and the discussion on various types of glosses valuable. Both Hallebeek and de Jong have done more research on Roman law, which perhaps explains why they have chosen to call the fourteenth-century French/Breton canonist Henricus Boich thus (e.g. 71, 75, see also 194–195), and not Henricus Bohic, as he is more often known.

Producing such a critical edition and translation as well as identifying the references to learned law has been a long and onerous project. The three editor-translators have luckily been building on the work of others, including scholars from previous generations, which is openly acknowledged by the editors with thanks (60–61, 76).

Readers, such as I, are thankful for the five well-drawn and useful maps in the book. However, the language in some of them (maps 2–3, 5 pages 6–8, 54) is Dutch. This is especially problematic with the topographic map 2, showing early medieval Frisia. Unfortunately, the explanations for the different colours are in Dutch which does not help a non-Dutch-speaker. Even if the maps originate in previous research and existing cartographies, it still constitutes a small, unnecessary blemish that all of the maps have not been translated into English.

The fickle sea has molded the Frisian shores for millennia creating new land and islands from the sands of the sea only to drown entire islands, villages and towns in storms, floods and surges. Storm tides inundated coastal regions, killing tens of thousands of people, and carved new rivers, lakes and bays in the coastal marshland and dunes. Consequently, the careful management of the sea was an important concern for the Frisians as their laws attest (e.g. 300–309, 408–409). The maintenance of seawalls, dykes, canals and sluices was a common concern, as these could save lives during storms. The laws regulated this important duty. Failure to perform necessary repairs and upkeep was punishable with fines and resulted in inspections and court cases.

The potential hazards of the weather notwithstanding, the North Sea was both a possibility and a threat. While maritime commerce enabled the Frisians to amass wealth, the sea also posed dangers in the form of the Norsemen. Although Viking raids along the Frisian coast and rivers had ceased in the beginning of the eleventh century, they left their imprint on the Frisian legal texts. For example, the so-called Older Skelta Law (116–117) discussed the Frisians' necessary duty "to guard the coast, day in, day out, against the salt sea and against the wild Viking [...]." Perhaps the text referring to children being seized and "taken away to the north over sea or over the mountains" (218–219) also invoked Viking raiders taking slaves or hostages, while a later passage about "northmen capturing men and taking them abroad" is quite unequivocal (220–221).

The extremely minute and exhaustive compensation tariffs are a special feature of the *Frisian Land Law* ("XIV. The Calculated Tariffs," 330–377). Compensation tariffs for wounding and bodily harm are a common feature in Early Medieval Germanic law. As Nijdam observes in his introduction (10–11, 54–55), the tariffs of this collection go back to the *Lex Frisionum*, forming the oldest legal layer of Frisian law. The text is believed to represent a general Central Frisian tariff, while its oldest surviving manuscripts are dated to the fifteenth century (54–55). For example, the "The Calculated Tariffs" differentiate between several dozens of different types of violent damage done to a person's head alone, discussing various parts of the head, various physical consequences and types of assault such as hitting, piercing, fracturing and cutting (330–349).

The *Frisian Land Law* contains much procedural law, including detailed descriptions of oath-taking, formulas for the *asegas* administering the oath as well as oath-formulas for those taking oaths (e.g. 140–143, 162–165, 286–293, 328–329). This is unusual. Another remarkable feature of the law is the extent to which it discusses ordeals. I know of no other medieval secular law that describes in such detail how ordeals were to be administered. In addition, a range of ordeals from the boiling-water ordeal to the ordeal of the hot iron, from the judicial duel to walking

over red-hot ploughshares (e.g. 138–145, 268–271, 280–281) are mentioned in the legal texts. For anyone interested in ordeals, the *Frisian Land Law* is simply a must.

Being a scholar of Swedish medieval law, I cannot discuss the intricacies of translation or the various datings of texts. However, as the Scandinavian medieval laws are related to the Old Frisian law texts and belong to the same Germanic group of laws, I highly appreciate the comparative potential that this translation offers for future research.

To conclude, the scholarly community cannot but welcome this edition with great pleasure. The expert team of editors, Nijdam, Hallebeek and de Jong, have opened the doors of the medieval Frisian legal tradition for those who cannot read the Old Frisian language. I am convinced that not only legal historians, but also church historians and intellectual historians will find the many legal texts of the *Frisian Land Law* inspirational for generations to come.

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