

Arnórsdóttir, Agnes S. 2010. *Property and Virginity: The Christianization of Marriage in Medieval Iceland 1200-1600*. Aarhus, Denmark: Aarhus University Press. 533 pages. ISBN: 978-8779345133.

At first glance the juxtaposition of property and virginity in the title may seem odd because the process of Christianization would suggest that such concepts were known also in pagan Iceland. Virginity is not mentioned in the sources that purport to describe the pagan world, perhaps because it was taken for granted, and marriage arrangements were often made for very young girls. Nonetheless, the need for women to remain virgins until marriage is clearly perceptible in the sagas through the concerns of a father whose daughter had been dishonoured: will he be able to marry her off subsequently? The requirement of virginity at marriage, however, was introduced formally in 1587 by an ordinance, ironically issued by the secular power, by then the Danish king. By contrast, the chief concern of marriages when arranged in both pagan and Christian Iceland was property. In the former context it was taken so seriously that poor people were not allowed to marry because, as stated in both legal and narrative sources, their poverty would hinder them from caring for their children. This restriction was modified in 1294 by the Norwegian king in a *réttarbót* (an amendment to the existing law) that may have been made possible by economic reasons—such as the growing importance of fishing—or, as Agnes suggests, by the influence of canon law. In all marriage negotiations the most serious consideration was that the two partners and their families be *jafnræði* (an equal match) both concerning their wealth and prestige. Important from the pagan world, this concern continued unabated into the Christian era and was unopposed by churchmen. In fact, most of Agnes's study concerns the transfer of property from one generation to the next by the means of marriage. Agnes, an Icelander who is professor of history at the university of Århus, may have found inspiration for her title from the wordplay of her two chief concepts in Danish: *ejendom* and *jomfrudom*.

The author views Icelandic marriage within the larger picture of European marriage, but she objects to Georges Duby's celebrated thesis of two marriage models, a lay and an ecclesiastical, supposedly in direct and contemporaneous conflict. Instead, she argues for a slow penetration of "the old (pagan) model" by the ecclesiastic model that transformed society in the process. Since her primary focus is on legal sources from the Christian era, she largely ignores the saga evidence and has therefore little to say about "the old model."

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After two introductory chapters that treat respectively the historiographical and theoretical background for the study, and an overview of Icelandic history and the available sources, the book divides into three parts—each containing three chapters—that treat the legal, the ritual, and the property aspects of marriage. To produce this impressive work Agnes is the first scholar to have unlocked the numerous marriage contracts and other documents pertaining to property transactions published in the sixteen volumes of *Diplomatarium Islandicum*. In addition, she has found unpublished marriage contracts at the Arnamagnean Institute in Copenhagen as well as letters of dispensation from the Papal archives that permitted Icelanders to marry despite their close affinity. Thus she has assembled a corpus of almost 200 marriage contracts issued between 1351 and 1598.

The opening chapters of the legal section (chaps. 3 and 4) treat in chronological order the progress of canon law in Iceland accompanied by the concomitant question of consent in marriage, whereas the third deals with the more intractable issue of the internalization of these new norms. In chapter 3 she mainly relies on James Brundage to provide a useful overview of the history of canon law. She finds indirect evidence to postulate that the concept of female consent was known and applied in Iceland by the end of the twelfth century, becoming legally accepted in Bishop Árni Þorláksson's New Christian Law of 1275. Árni was bishop of the Northern see at Skálholt, and it has been usually assumed that although the law was accepted at the annual meeting at Þingvellir it was valid only for the Northern bishopric. Agnes turns to Magnús Lyngdal Magnússon's suggestion from 2002 (but omits it in the bibliography) that the law was valid for the entire country. Adopted in 1281 as the secular law for the whole country, *Jónsbók* stated that it was the parents, not the bride, who had the right to consent. This new concept, nonetheless, continued to influence the financial arrangement in marriage; for example, an amendment of 1294 stated that a husband could not sell any part of the couple's property without the wife's consent.

Chapter 4 deals with changes in marriage regulations between 1300 and 1600, including, of course, the Reformation. Agnes considers not only the royal legislation consisting mainly of amendments to the existing law (issued by the Norwegian and later the Danish kings), but also the episcopal ordinances and decisions of local courts that allow examination of how the laws were implemented. Chief among the problems calling for attention were clandestine marriages, made possible by the doctrine of female consent but often contrary to the interests of the families. Most spectacular was the permission for clergy to marry which enabled the many priestly housekeepers, the so-called *fylgikonur*, to become wives of pastors and bishops. The concomitant increase in royal power transferred sexual aberrations from the bishop's control that had considered them as sins, to the king's under whose authority they became criminalized. The

gruesome result was the so-called *Stóridómur* of 1564 that punished adultery and intercourse within the forbidden degrees of kinship with decapitation for men and drowning for women.

The local knowledge of canon law and the internalization of new norms is the subject of the fifth chapter. Using the same law cases and marriage contracts as in the previous chapter, Agnes is no longer searching for legal changes but reads these texts as narratives that reveal the hidden agenda of the actors. In this way she is able to demonstrate that members of the upper classes (those solely represented in these cases) had internalized aspects of canon law. Benefiting from its arguments, they were able to advance or—in other cases—to hinder their causes in the court proceedings. The key issue was—to be sure—inheritance of land, and this was intimately linked with being able to prove that a proper marriage had taken place. Thus, lack of consent, adultery, bigamy, or too close kinship could cause the annulment of marriages that had already lasted for decades, thus jeopardizing expected or already negotiated inheritance arrangements. Even a rumour was enough to a break up well-established plans; thus, if a man's previous indiscretions became known and the former woman was related to his wife within the forbidden degrees, his marriage was at risk as well as the planned legacies for his children. On the other hand, if a couple closely related wanted to marry they could obtain, for a price, a dispensation from the ecclesiastical authorities. Agnes has unearthed 24 of these dispensations issued throughout the ecclesiastical hierarchy (including the papacy) between 1471 and 1565. In the close-knit Icelandic society these were important and frequent problems, particularly among the upper classes.

The second part of the book is occupied with ritual changes in the marriage ceremonial. In three chapters Agnes examines the transition from oral to written contracts, the linguistic innovations, and the growing influence of churchmen on the ritual. The oldest Icelandic evidence of marriage—for which the Old Norse language did not have a special word—clearly indicates that it involved the transfer of a woman from one family to another accompanied by contributions of wealth from both, thus securing the maintenance of the new family. In other words, marriage was an oral contract involving economic considerations but was devoid of religious connotations. From its inception Christianity took an intense interest in marriage, appropriating from both the Roman Empire and the invading Germanic tribes, while adding specific Christian notions. By the end of the twelfth century churchmen had transformed Christian marriage into a sacrament that was included within a canon of seven. Intended for all Christian laity, it slowly made its way north. In Iceland churchmen adopted the notion of female consent, but because of the financial arrangement they also favoured the consent of the parents. No longer exclusively oral, the contract was written down and signed by witnesses. The families naturally sought to preserve such documents because of their usefulness in later court cases.

Churchmen enriched the vocabulary to designate marriage, often borrowing from Continental romance literature that was being translated to Old Norse at this time. In turn they introduced specific Christian notions such as fidelity for life, thus introducing the idea of a sacred marriage, and, while following the changing signals from Rome, they vastly extended, from the pagan past, the kinship limits—both biological and spiritual—within which marriage was not allowed. Despite these ecclesiastical advances it was not until 1587 that the blessing of the bridal couple by a churchman was required.

Property in marriage constitutes the third part of the book. The first of three chapters treats the changing strategies of dealing with marital property, the second with the use of gift giving as a means of transferring property, and the third with the transfer itself of property and property rights. The initial properties brought together by the bride and the groom could be administered during marriage by the wife's property being kept separate (the so-called *máli*), or by the couple owning all property jointly (the so-called *félag*). Agnes follows the permutations of these two principles in numerous marriages from the fourteenth through the sixteenth century. The first was most advantageous for couples and their ascendants, who sought to keep family holdings together, since it allowed land given to a daughter in marriage to be returned to her family if she did not have children. The second principle made it possible for couples to accumulate huge estates, a possibility that was particularly useful after the devastating plagues at the beginning and the end of the fifteenth century that resulted in large surpluses of land. Once created, however, such large estates needed to be maintained and *máli* became once again important in the sixteenth century.

Chapter 10 provides a wide-ranging essay on marital gifts in Northern Europe, a tradition that helped to strengthen the unique Icelandic principle of securing a separate income for the wife and widow. Agnes offers a penetrating analysis of the difficult problem of the dowry and identifies a number of other contributions in forms of gifts from the husband to the wife that increased the woman's wealth. Despite the considerable property a wife could accumulate there was only limited reciprocity in marriage, as the author shows in her last chapter entitled "Transfer of property and property right." The husband normally controlled more wealth than the wife whose property he administered, although he was prevented from alienating it without her consent. In fact, the principle of *laudatio parentum*, assuring that close relatives had given their approval to land transactions, lasted far longer in Iceland than on the Continent. A unique Icelandic feature concerns the accommodations made to illegitimate children enabling them to inherit. With the approval of close relatives they could be adopted into their biological family and thus inherit along with legitimate offspring. After the Reformation clergymen no longer needed this stratagem, but it had been popular among them in the past, and illegitimate children still abounded among the lay aristocracy. Another possibility consisted of creating wills in which "legal gifts" to illegitimate children

were established within the limits allowed by law. Finally, this rich chapter treats patrilineality and the related issues of *óðal*, a term known primarily from Norway where it indicates inalienable land held in the same family for at least three generations, as well as the existence of manors in Iceland. A final chapter provides a conclusion and a discussion of the influence of women's studies on the recent historiography of marriage.

This is big and important book. It is not easily read but it repays close scrutiny. The author may have overstated the sacred aspect of marriage for which there is little evidence and which became anachronistic in a Protestant context. Not every reader may agree with her heavy emphasis on consent. The book contains a bibliography, four appendices that list the marriages, the two types of economic arrangements, the marriage gifts, and the bishops appointed by the popes, a useful glossary with explanations (but no pagination), a Danish summary, and an index of persons. Three sections provide relevant illustrations. There are a few spelling mistakes and typing errors and confusion whether British or American spelling should be followed. The book suffers from too much repetition and could easily have been shortened. Nonetheless, Agnes is to be complimented for having tackled an important problem and produced after the Reformation a significant book.

Jenny Jochens  
*Paris, Baltimore*