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## Review of Wendy Davies, *Windows on Justice in Northern Iberia, 800-1000*

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**Wendy Davies. *Windows on Justice in Northern Iberia, 800–1000*. London; New York: Routledge, 2016. 292pp.**

Wendy Davies' newest monograph offers a meticulous analysis of the written records through which historians understand judicial process in early medieval Iberia. Justice itself appears only as through a glass darkly, glimpsed through the documentary windows of ninth and tenth century charters. The image of justice that emerges from these records is neither public nor private; justice functioned through the use of commonly accepted public processes and norms, but was directed neither from above, through royal or seigniorial power, nor from below, through locally organized assemblies. Rather, as Davies details, justice operated on a supra-local level through a wide variety of courts, with no clearly demarcated jurisdictional lines. Courts called by monastic and ecclesiastical authorities, royal officials, and powerful landholders all relied on common legal traditions and formulae derived from Visigothic law, and they employed legal experts, commissioned temporary court officers, and often decided cases through the collective judgment of panels of diverse and non-local individuals. Although monastic or landholding interests could certainly dominate, Davies emphasizes that peasants also utilized the courts, bringing criminal cases like adultery and assault as well as small-scale property disputes, sometimes involving claims as small as a few pigs. As Davies argues, going to court was part of the larger customary culture, and courts provided a primary avenue of redress for lay and religious, rich and poor alike.

*Windows on Justice* centers around early medieval records, and these texts make up the heart of the book. In Part I, 'The Texts,' Davies introduces her primary source base, 257 dispute texts recording 289 separate cases or disputes. These records are gathered from cartularies and single-sheet manuscripts in archives across the early medieval kingdom of León in northern Iberia, roughly between the Duero and Ebro rivers and including northern Portugal and Galicia. Davies divides these texts into ten types of record: Accounts of the progress and resolution of a dispute, Incidental references to a dispute in the course of a record whose main purpose was to record something else, Fines, fees, and compensations following a court case, Confessions in court, Agreements following a confession or other interaction, Oaths taken in the course of a court case, Implied disputes, Mixed types, Confiscations, and Debts. Drawing on her previous work in the same archives, Davies examines the structure, form, and language of dispute records within the larger diplomatic corpus of ninth and tenth century records, including charters of wills, agreements, gifts, sales, and exchanges. Davies shows the value of turning to the manuscripts rather than relying on published editions, as she analyzes how differences in the material form and layout of manuscript records can inform our understanding of the production processes, purposes, and use of these kinds of texts. Davies also tracks geographic trends and changes in diplomatic formulae use over time; most interestingly, she draws on scholarship on the transmission of liturgical and musical texts to suggest that diplomatic formulae might have functioned more as a common vocabulary than as a rigid set of forms.

Davies expands her analysis beyond the texts to the disputes and judicial processes that they record in Part II, “Implications.” In examining the roles of individuals involved in the courts, including those who presided, judged, witnessed, enforced, and brought cases, Davies emphasizes flexibility of judicial roles and functions, as well as the supra-local nature of court participants. Davies further examines the courts and judicial process as forms of power, acknowledging that holding court was a political act but arguing against the idea of justice as a top-down, oppressive force. In her analysis of local responses and uses of courts, however, Davies finds very little political or judicial organization at the local level by the end of the tenth century. While towns would develop more institutionalized identities in the eleventh and especially twelfth and thirteenth centuries, Davies shows the functioning of justice in a political landscape largely lacking both centralized and localized authority. In comparisons with legal processes throughout the rest of Europe during the same period, Davies argues that the Iberian example shows the importance of legal norms and shared customs even without centralized authority or reliance on extensive written records for legal disputes. Scholarly focus on the legal records of early medieval Francia has perhaps skewed our understanding of the relationship between the law and the state in early medieval Europe more generally; as Davies suggests, perhaps “the state is less significant in determining many elements of judicial procedure in the early middle ages than we are accustomed to suppose.”

*Windows on Justice* can occasionally read like a handbook on early medieval diplomatics, and in fact Part I would make an excellent teaching resource, with its clear examples of different types of legal records in both Latin and English translation. Davies’ exhaustive knowledge of northern Iberian archives shines throughout the text, as does her attention to individual stories and the people behind the records; Davies never lets the reader forget that these documents reflect real people and families as well as legal norms. *Windows on Justice* will prove an essential resource not only for scholars of early medieval Iberia, early medieval judicial process, and dispute resolution, but also for anyone interested in the use of texts as windows to the past.

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