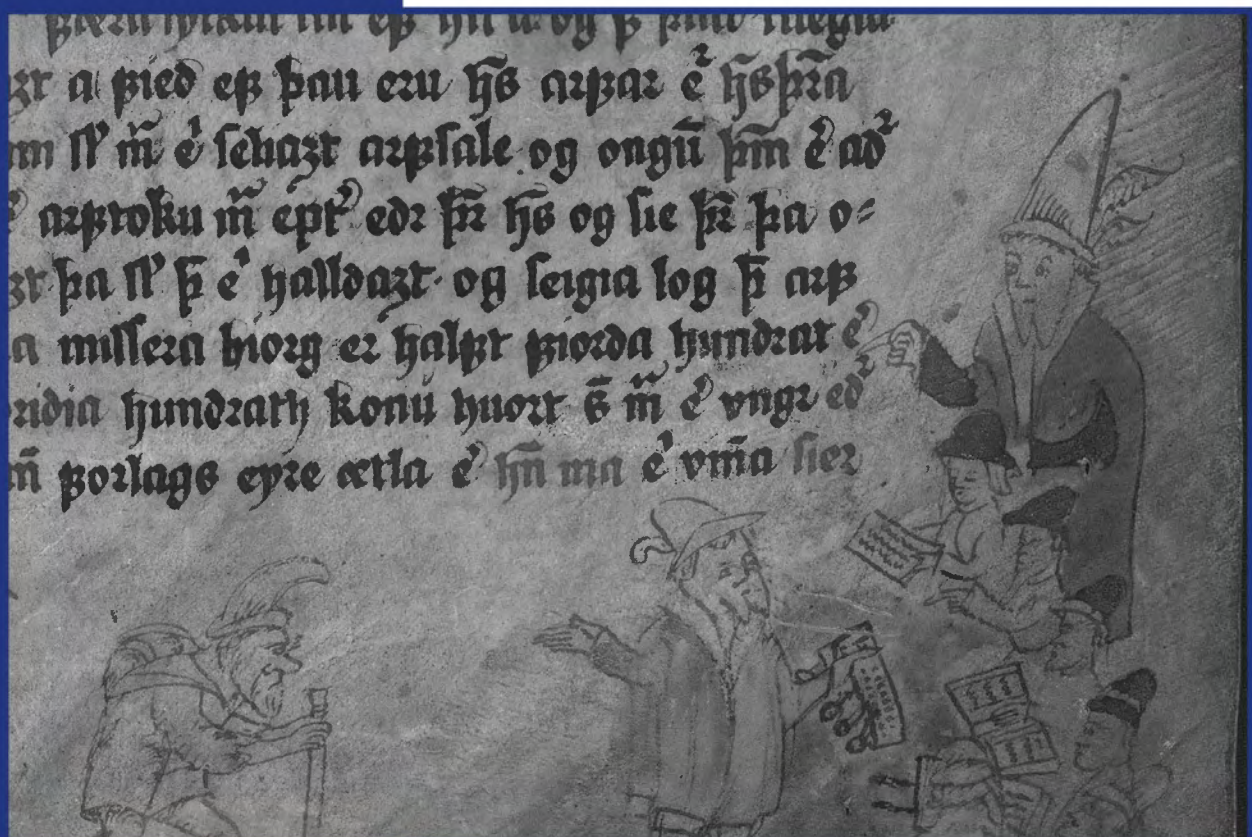


Lena Rohrbach (ed.)

## The Power of the Book

Medial Approaches to  
Medieval Nordic Legal  
Manuscripts



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Medial Approaches to Medieval Nordic Legal Manuscripts

# Berliner Beiträge zur Skandinavistik

Herausgegeben von  
Muriel Norde, Lena Rohrbach, Stefanie von  
Schnurbein und Stephan Michael Schröder

Band 19

# The Power of Book

Medial Approaches to Medieval Nordic Legal Manuscripts

Edited by

Lena Rohrbach

Nordeuropa-Institut der Humboldt-Universität

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## Acknowledgments

In a workshop held at the Department of Northern European Studies at Humboldt-Universität zu Berlin in August 2010, philologists, historians, art historians and legal historians gathered to discuss the material characteristics of the medieval legal manuscripts of the Nordic countries. The present volume is a collection of selected and revised versions of the papers given at that workshop.

The idea for the workshop evolved from my own research on textual and paratextual arrangement in Nordic legal manuscripts. This research project came into being during my participation in the Swiss National Centre of Competence in Research at the University of Zurich, *Mediality: Historical Perspectives*, and I would like to thank all members of the NCCR for many inspiring discussions, with special thanks to my former project leader Simon Teuscher, and my fellow Old Norse colleagues Jürg Glauser and Kate Heslop, who generously allowed me to read a draft of their introduction to a volume on medial perspectives on textual culture in medieval Iceland, soon to be published.

This book would not have come into being without the cooperation, knowledge and advice of many people to whom I wish to express my gratitude. First of all I would like to thank Patricia Pires Boulhosa and Philipp Bailleu wholeheartedly for their unlimited patience and many hours of discussions, as well as Christopher Burlinson, Rosie Razzall, Tomas Milosch, Paul Baumgart and Nina Bechtle, who all contributed their expertise to the making of this book.

I would also like to express my gratitude to all the archives that provided the photographs which are essential for a book dealing with material aspects of manuscripts: the Árni Magnússon Institute in Reykjavík, the Royal Library in Copenhagen, the National Library in Stockholm, the Swedish National Archives as well as Staatsbibliothek zu Berlin.

Last but not least, I would like to thank all contributors to this volume for their willingness to participate in the project, which has been on the making for a long time. My humble hope is that the book shows that it was worth the effort.

Berlin, March 2014  
Lena Rohrbach





LENA ROHRBACH  
Introduction

The picture on the cover of this book displays a marginal drawing from Reykjabók, AM 345 fol., a manuscript of the Icelandic law-book *Jónsbók*, written in the latter half of the sixteenth century.<sup>1</sup> Several fourteenth-century legal manuscripts from Iceland are decorated with historiated initials and, from the end of the fifteenth century onwards, with marginal drawings that illustrate selected passages of the law.<sup>2</sup> The marginal drawing is found on folio 27 recto of Reykjabók, the first page of *Framfærslubálkr* [Section on the Maintenance of Dependents], and shows a meeting of men who hold books and charters with hanging seals, while some of them point at a man in ragged clothes who stands in front of them. Depictions of written artefacts – books, scrolls, charters – in illustrations of legal matters appear in Icelandic legal manuscripts only from the end of the fifteenth and the beginning of the sixteenth century.<sup>3</sup>

Law-Books and Legal Manuscripts  
in the Nordic Countries in the Middle Ages

According to historical accounts, the recording of law in the Nordic countries began early in the twelfth century. *Íslendingabók* [The Book of Icelanders] says that the Icelandic laws of the Commonwealth were written down in the winter of 1117/18 under the supervision of Hafliði Másson.<sup>4</sup> We do not have any evidence of these efforts but the recording

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1 For a discussion of the dating of the manuscript, see RICHTER: 2013, 32–33.

2 None of the Danish manuscripts has figurative illuminations. The only Norwegian legal manuscript with historiated initials is GKS 1154 fol., Codex Hardenbergianus, which is discussed in JOHANSSON and LIEPE in this volume. There are few illuminated manuscripts among the Swedish material, such as Holm B 6, Holm B 10, Holm B 68 and Holm B 172 (MYRDAL: 2006, 16–18).

3 RICHTER: 2013, 95–96. On the inclusion of the written word in legal procedures in the Icelandic laws, see ROHRBACH: forthcoming.

4 *Íslendingabók*: 1968, 23–24. *Annales regii* only mention a »lavgfundr« for the year 1118 (*Islandske annaler indtil 1578*: 1888, 112); the other Icelandic annals do not relate anything in this context. See JÓN VIÐAR SIGURÐSSON and SANDVIK: 2005, 224–225. The Danish and Norwegian tradition of written laws is even traced back to the Viking Age in historiographic sources, with St. Olav as progenitor of Norwegian laws (BAGGE: 2010, 180; on the so-called *Ólafslög* in the Icelandic tradition, see BOULHOSA: 2005, 42–86).

of law codes at this early date would predate continental developments by several decades.<sup>5</sup> The earliest traces of written laws in the Nordic countries are Icelandic and Norwegian fragments that date from the latter half of the twelfth century and the first decades of the thirteenth century, and are thus contemporaneous with the earliest evidence of the recording of Roman and Canon Law, as well as vernacular laws, on the continent.<sup>6</sup> The oldest fragments from Sweden date from the middle of the thirteenth century.<sup>7</sup>

These oldest fragments contain provisions from legal texts and provincial laws that were replaced by royal laws from the middle of the thirteenth century.<sup>8</sup> The Norwegian King Magnús Hákonarson, also known as *lagabætr* [Law-Mender], promulgated the *Landslög*, the law code for the Norwegian kingdom, in 1274, as well as two new law codes for Iceland after the country submitted to the Norwegian crown in 1262/64: *Járnsíða* in 1271, which was replaced by *Jónsbók* in 1281. In Sweden, the *Landslag*, the law code for the whole kingdom, was promulgated under

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and the Danish Court Law, *Witherlaxræt* or *Lex Castrensis*, attributed to King Cnut the Great in Saxo's *Gesta Danorum* (RIIS: 1977, 31–32).

5 The scholastic manuscript tradition of *Corpus Iuris Civilis*, the codification of Roman Law, began in the latter half of the twelfth century; the codification of Canon Law begins with *Decretum Gratiani* (c. 1140). The oldest manuscripts of French *coutumiers*, as well as of the Low German *Sachsenspiegel* [Mirror of the Saxons] and the High German *Schwabenspiegel* [Mirror of the Swabians], date from the end of the thirteenth century. For a comprehensive survey of manuscripts of the German law-books, see OPPITZ: 1990–1992. The tradition of making records of English law began earlier than on the continent; a comprehensive compilation of English writs, *Tractatus de legibus et consuetudinibus regni Anglie* [Treatise on the Laws and Customs of the Realm of England], was probably composed c. 1185–1189, with its oldest manuscripts dating from this period. MICHAEL: 2003, 294–296.

6 The two Icelandic fragments are AM 315 d fol. (c. 1150–1175) and AM 315 c fol. (c. 1200–1225). A third fragment, AM 315 b fol., is dated to approximately 1250, and is thus more or less contemporaneous with the two comprehensive texts of *Grágás* in *Konungsbók*, GKS 1157 fol., and *Staðarhólsbók*, AM 334 fol. For the Norwegian material, the oldest traces are AM 315 f fol. (c. 1175–1200), and NRA 1 B (c. 1180), which contain fragments of the provincial *Gulapingslög* [Gulathing Law]. RINDAL: 2002, 802 dates the two Norwegian fragments to c. 1200–1250. All datings in this introduction are according to *Ordbog over det norrøne prosasprog. Registre*, unless otherwise stated.

7 The oldest fragment of Swedish laws is Holm B 193 (c. 1250), which contains parts of one of the Swedish provincial laws, *Äldre Västgötalagen* [Old Västergötland Law] (CARLQUIST: 2002, 809).

8 The intricate question of the relationship between old customary laws and laws influenced by recent legal traditions will not be discussed here. For further reading see SVEINBJÖRN RAFNSSON: 1990; HOFF: 2012; ANDERSEN, TAMM and VOGT: 2011.

the reign of King Magnus Eriksson in 1350. In Denmark, the provincial laws did not undergo a royal legislative reform, but the *Jyske Lov* was promulgated by King Valdemar II in 1241 as the last of the Danish provincial laws, and there are indications that the *Jyske Lov* had significance outside the province of Jutland.<sup>9</sup>

The oldest comprehensive Nordic legal manuscripts date from the latter half of the thirteenth century.<sup>10</sup> Legal manuscripts constitute the majority, or at least a large percentage, of all transmitted manuscripts in all Nordic countries.<sup>11</sup> The transmission of legal texts continued long into modernity, especially in Iceland but also in Denmark, where manuscripts of the *Jyske Lov* were copied into the sixteenth and seventeenth centuries, well after the first printed texts were published in 1504. The material characteristics of some of these medieval legal manuscripts from Iceland, Norway, Sweden and Denmark are examined in this volume by philologists, historians, legal historians and art historians from a number of perspectives.

### Materiality and Mediality

The materiality of a book manifests itself in the entirety of its haptic and visual elements. It embraces the two- and three-dimensional extensions of the book, as the book is perceived on the two-dimensional face of the single page and as a part of a larger three-dimensional entity with pages

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9 The Danish provincial laws are the *Skånske Lov* [Law of Scania], *Valdemars Sjællandske Lov* [Valdemar's Law of Zealand], *Eriks Sjællandske Lov* [Erik's Law of Zealand] and the *Jyske Lov* [Law of Jutland]. On the Danish provincial laws and the question of whether the *Jyske Lov* was intended and received as a law code for the complete Danish realm, see ANDERSEN: 2005, 48–99. On manuscripts of the *Jyske Lov* in the fifteenth and sixteenth century that exhibit attempts to stage the *Jyske Lov* as authoritative law of the realm, see ROHRBACH: 2010.

10 The oldest Icelandic legal codices are two manuscripts of *Grágás*, GKS 1157 fol., *Konungsbók* (c. 1250), and AM 334 fol., *Staðarhólsbók*, generally dated to c. 1260–1280; they are discussed in detail by BOULHOSA and ROHRBACH in this volume. The oldest extant copies of *Jónsbók* and Bishop Árni's Church Law that was composed in 1275, AM 134 4to and AM 49 8vo, date from c. 1280–1300. The oldest Danish legal manuscripts are Holm B 74 (c. 1250), a manuscript of the *Skånske Lov*, and Holm C 37 (c. 1276), a manuscript of the *Jyske Lov*, which is discussed in ANDERSEN in this volume (see also FREDERIKSEN: 2002, 820). The oldest Norwegian legal manuscripts date from c. 1300, the oldest Swedish legal codices from c. 1350 (for the Swedish manuscripts see ÅSTRÖM: 2003).

11 See MÁR JÓNSSON in this volume, 30.

in front of and behind the page and accompanied by a paratextual apparatus.<sup>12</sup> The materiality of the book thus includes the outer appearance (size, binding, markers), the compilation of texts (that is, the texts that are included in a book and the arrangement and order of these texts), and the layout (ruling, columns, paratextual elements such as rubrics, initials, numbering, tables of contents and illustrations). A book can be heavy and bulky, or tiny and thin, it can be a cheap and tattered notebook, or precious, with a leather binding, gilt edging and lavish layout and illuminations: all of these parameters influence the perception of the text. The arrangement of a Table of Contents or index directs the perception of the following text, and the presence of a reference apparatus raises certain expectations as to the text's authority.<sup>13</sup> Every text relates to and interacts with its material basis and presentation, and the perception of every text is influenced by its material arrangement,<sup>14</sup> but in traditional philology these material features are irrelevant unless they are conspicuous or unexpected. The study of the materiality of a book is thus indebted to traditional codicological studies and the injunction of *New* or *Material Philology* to take into account the individual texts in their material arrangement.<sup>15</sup>

By attempting to analyse the social and communicative implications of the materiality of manuscripts, the studies in this volume are in line with recent developments in the field of media studies, especially with regard to the concept of mediality. The concept is primarily grounded in recent trends in the German-speaking humanities, with the Swiss National Centre of Research, *Mediality: Historical Perspectives*, at the University of Zurich and the German collaborative Research Centre, *Media and Cultural Communication*, as leading promoters of this theoretical approach.<sup>16</sup> It was developed as an alternative approach to earlier

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<sup>12</sup> ROHRBACH: 2010, 120–121.

<sup>13</sup> On authorizing functions of glosses in medieval manuscripts, see TEUSCHER: 2007, 291–301; ROHRBACH: 2008 and 2010, 133. On a comparable authorizing function of footnotes, see ECKSTEIN: 2001.

<sup>14</sup> This premise draws on Marshall McLuhan's coinage that implies that the way a message is presented influences the message, or rather forms the message in the first place (MCLUHAN: 1964).

<sup>15</sup> The constitutive text of Material Philology as a new trend in research was NICHOLS: 1997.

<sup>16</sup> For a detailed discussion of the applicability of media-theoretical approaches for studies of medieval culture, see KIENING: 2007 and GLAUSER and HESLOP: forthcoming.

media-theoretical approaches that were grounded in technological definitions of the medium:

the approach integrates into the media-theoretical analysis also those anthropological means of expression and forms of communication that remain hidden in a use of the term ›medium‹ that is centered on technology or primarily oriented on sociological questions. Moreover, such an expansion of the term ›medium‹ allows for the systematic analysis of inter- and multimedial constellations to supersede the monomedial study of individual media. Here, the focus is not on one medium but on media in media.<sup>17</sup>

Rather than focusing on definitions of media, medial studies focus on what functions as a medium in a given context, and how it functions.<sup>18</sup> In that context, Niklas Luhmann's differentiation between medium and form seems especially fruitful for the analysis of the functions of a book's material features. In Luhmann's understanding, a medium is an abstract potential that is realized and can only be grasped in a specific individual form.<sup>19</sup> Media, in his understanding, are such things as sounds that can form a word or a sentence, or visible entities that can form a pictorial or written sign. While media have what he calls »lose Kopplungen« [loose couplings], forms exhibit »feste Kopplungen« [tight couplings]. This approach helps us to understand the abstract settings of a book, such as format, paratexts, illuminations and the like, as abstract media, which are then concretized in an individual book in a specific material form to a specific end. Drawing on this differentiation of medium and form, Friedrich Balke and Leander Scholz define the notion of mediality:

Mediality appears to be a passive supportive element that can only in contrast to a »thing« or »form« become in itself thematic. Therefore, the attention of these considerations is directed at the difference between thing and medium, or form and medium, underscoring the difference between a describable shape and shapelessness as the backdrop for this shape. Whereas form and thing have clearly defined borders, mediality is characterized by a state of latency and potentiality. Concurrently with this view on mediality, however, it seems that within this hyletic passivity there permanently resides a ›desire‹ urging the medium to evolve towards ›becoming animated‹ by means of its active form.<sup>20</sup>

The notions of materiality and mediality are thus interdependent, as materiality – or form – is at the same time the carrier and the limitation of

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<sup>17</sup> JÄGER, LINZ and SCHNEIDER: 2010, 12.

<sup>18</sup> JÄGER et al.: 2012, 7–8.

<sup>19</sup> LUHMANN: 1993, 355–356.

<sup>20</sup> BALKE and SCHOLZ: 2010, 37.

mediality.<sup>21</sup> Books are rewarding objects for medial perspectives on materiality, as they make use of different media in Luhmann's understanding: space, letters, numbers, lines, colours, images. They are, in other words, multimedial constellations.<sup>22</sup>

### The Power of the Book

Material and medial studies of books can reveal information about their *raison d'être*, about the ideas that governed their production. This holds especially true for medieval manuscripts that were produced and received in a culture that Hans Ulrich Gumbrecht characterised as a ›presence culture‹ as opposed to a ›meaning culture‹.<sup>23</sup> In seeking to establish an alternative approach to hermeneutic and semiotic studies, cultural studies since the end of the 1980s have dwelt on the term presence, springing from studies on the materiality of communication.<sup>24</sup> Gumbrecht stresses that presence and meaning are not mutually exclusive, but rather interfering aspects: »we conceive of aesthetic experience as an oscillation (and sometimes as an interference) between ›presence effects‹ and ›meaning effects‹.«<sup>25</sup> Gumbrecht understands medieval culture as being close to presence-culture and early modern culture as close to meaning-culture, and defines the characteristics of a presence culture as follows: »In a presence culture, the things of the world, on top of their material being, have an inherent meaning (not just a meaning conveyed to them through interpretation).«<sup>26</sup> The significance of the material presence of texts and written artefacts in medieval literacy practices – with liturgy and legal practice as primary examples – have been discussed extensively over the past decade.<sup>27</sup>

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21 ASSMANN: 1988, 238–239; MERSCH: 2002a, 16–19.

22 On the use and interferences of different media in the layout of a page, see RAIBLE: 1993 and 1997; KRÄMER: 2003 and 2005.

23 GUMBRECHT: 2004, 78–90.

24 The approach was first articulated in proceedings from a conference on the materiality of communication (GUMBRECHT and PFEIFER: 1988). Another prominent example of a presence-oriented approach is provided by Dieter Mersch (MERSCH: 2002a and 2002b).

25 GUMBRECHT: 2004, 2.

26 Ibid., 80.

27 On the authority of the materiality of the written word in the Early and High Middle Ages see KIENING: 2008, 36–41. On the staging of the materiality of the Bible in medieval

The title of this volume also refers to the special character of law-books as carriers of a specific kind of text that serves different functions in the organisation of society, which make them particularly fruitful objects for medial studies of materiality. Medieval law-books oscillate between being objects that are significant because of their material presence, as symbols of power, and texts to be used and studied intensely, with detailed provisions to be referred to at court, as tools of power. The ›Power of the Book‹ thus also alludes to ideas of pragmatism and usability.<sup>28</sup>

Studies of pragmatic literacy have addressed the making, using and keeping of administrative and legal texts in medieval society since Michael Clanchy's influential *From Memory to Written Record*, first published in 1979. In this context, many material studies of learned and vernacular legal manuscripts from the continent have been published over the past twenty years.<sup>29</sup> Traditional studies in the field tend to view the ever-growing use of literacy in the organization of society as indications of rationalization, bureaucratization and modernization, along with the professionalization of chanceries and legal personnel.<sup>30</sup> This perspective has been particularly dominant on the use of tools of literacy such as glosses and indices.<sup>31</sup> This teleological view of literacy practices has been questioned in the recent past, not least influenced by the turns towards presence and performativity in cultural studies.<sup>32</sup> Recent studies of legal documents and manuscripts indicate that the introduction and use of pragmatic literacy had different functions that did not follow a unique linear development towards a modern bureaucratic state, but rather evolved from different coexisting motivations.

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liturgy see LENTES: 2006. On the staging of the materiality of texts in medieval legal literacy practices see for instance RAUSCHERT: 2006; ROHRBACH: 2010.

<sup>28</sup> The use of ›power‹ in this context draws both on Foucault's sociological definition and at the same time also on Hans Ulrich Gumbrecht's definition as elaborated in GUMBRECHT: 2003, 5–6.

<sup>29</sup> Amongst others MÜLLER: 1991; HÜPPER: 1992; BELLOMO: 1996; SCHMIDT-WIEGAND: 1996; MICHAEL: 2003; RAUSCHERT: 2003 and 2006; TEUSCHER: 2007; SEIDEL: 2008.

<sup>30</sup> GOODY: 1992; KELLER: 1992a, 1992b and 1992c. For the Nordic tradition, see NEDKVITNE: 2004; BAGGE: 2010.

<sup>31</sup> For instance ROUSE and ROUSE: 1982 and 1990; LOBRICHON: 1984; MÜLLER: 1991; LIEBERWIRTH: 1993.

<sup>32</sup> For a detailed discussion of different trends in studies of pragmatic literacy, see DARTMANN: 2011; JUCKER: 2011.



Legal manuscripts can be approached as material traces of developments in legal practice, as well as of changing ideas of power and lordship. The analysis of the material characteristics of medieval legal manuscripts can provide valuable insights into the significance of the written law at a given time in a given society, into who produced and who used these manuscripts, how (and potentially even where) they were produced and used.

### The Materiality of the Nordic Laws: About the Articles in this Collection

In the Nordic context, comprehensive studies of the material characteristics of pragmatic literacy are a rather recent trend.<sup>33</sup> Manuscript catalogues and introductions to facsimile editions from the nineteenth and twentieth centuries have more or less detailed descriptions of the material arrangement of individual codices. Art historians have studied pictorial traditions in individual manuscripts and groups of manuscripts.<sup>34</sup> Inspired by New Historical approaches and media studies, the past ten years have given rise to material-philological studies on the material characteristics of individual Nordic legal manuscripts, such as the compilation of texts, the use of illuminations, and the use of paratexts such as rubrics and indices, which place the material arrangement of individual manuscripts in a historical context.<sup>35</sup> In the same period, material characteristics of legal manuscripts such as size or the use of initials have also gained attention in individual historical approaches.<sup>36</sup> Material studies of Nordic legal manuscripts so far predominantly focus on individual manuscripts and isolated material elements and remain mostly confined to the national traditions.<sup>37</sup> In an attempt to place the individual traditions in a wider context, this volume addresses the materiality of the legal traditions in the Nordic countries from an interdisciplinary comparative perspective that also includes contemporary continental traditions.

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33 For a general statement on the lack of comparative (quantitative) material studies in Icelandic manuscript studies, see MÁR JÓNSSON: 2000.

34 SELMA JÓNSDÓTTIR: 1964 and 1965; MYRDAL: 2006; LIEPE: 2009.

35 SCHNALL: 2005a and 2005b; HORN: 2009; ROHRBACH: 2010 and 2013; RICHTER: 2013.

36 BOULHOSA: 2005 and 2012; MÁR JÓNSSON: 2011.

37 ROHRBACH: 2009 presents a brief comparative survey of material similarities and differences in the legal manuscript tradition of the four Nordic countries.

The first two articles in this volume focus on the outer appearance of legal manuscripts. Már Jónsson discusses the size of Icelandic legal manuscripts from the period 1200–1600 by comparing them to Icelandic manuscripts of non-legal character as well as to legal manuscripts from the other three Nordic countries. The parameters of size analysed in his article are the proportion of width to height and the so-called *semi-perimetro*, the half-perimeter as indicated by the sum of height and width of a manuscript. The results of these quantifications are used as indicators of the function and use of these manuscripts in legal and political affairs. The measurements indicate that – with a few prominent exceptions – the emphasis in the making of these books was on portability rather than elegance, especially when compared to continental standards of book production.

Patrik Åström examines the materiality of 28 Swedish legal manuscripts that still have a medieval binding. Based on the size, binding, decoration and the use of bookmarkers of manuscripts of known origin and provenance, he discusses the functions of the law-books that embrace both their symbolic and pragmatic uses.

Turning attention to the arrangement of the legal text in the manuscript tradition, Per Andersen analyses the textual structure, in particular the textual division, of the oldest manuscripts of the Danish *Jyske Lov*. Based on Peter Skautrup's identification of textual subgroups, Andersen discusses the differences among three textual groups and contextualises them against the background of information on the origin of the different manuscripts. The structural differences among the three groups, together with a study of later alterations of the article structure in Holm C 37 (the oldest manuscript of the *Jyske Lov*), leads him to the conclusion that the structure of the law-book was revised in two versions in different elite circles of Danish society within a few decades after the promulgation of the *Jyske Lov* in 1241. The revisions were made to meet the needs of legal experts and the new versions prevailed as authoritative texts in different contexts.

Patricia Pires Boulhosa presents a thorough study of the layout and structure of the text in *Konungsbók*, GKS 1157 fol., one of two medieval texts of *Grágás*, the Icelandic collection of laws of the Commonwealth period. Variations in the use of different grades of initials throughout the manuscript lead her to suggest that *Konungsbók* reflects a compilation of multiple sources, short legal texts that either were compiled directly in

Konungsbók, or else in the source(s) that the scribe of this manuscript used. Boulhosa's material study of Konungsbók supports the hypothesis that the texts of *Grágás* are multi-layered collections of laws rather than a legal code created as an entity at a given time by a legislative body.

The materiality of Staðarhólsbók, AM 334 fol., is examined in Lena Rohrbach's article. The manuscript contains another medieval text of *Grágás*, the only medieval text-witness of *Járnsíða* and, as its first item, the so-called *Dómakapítuli* [chapter on judgments], which contains admonishments of a salvation-historical scope similar to those found in prologues of vernacular law-books on the continent in the same period. On the basis of the analysis of the use of initials, numbered rubrics and tables of contents, together with the placement of *Dómakapítuli* at the beginning of the codex, Rohrbach concludes that all parts of Staðarhólsbók were written down contemporaneously, and that the manuscript was meant to serve as a programmatic model for a new Icelandic law-book which might have been intended for the legal experts at the court of the Norwegian king.

In a study of intermedial correlations between illuminations and text, Karl G. Johansson and Lena Liepe undertake a joint philological and art-historical interpretation of four fourteenth-century illuminated manuscripts, the Norwegian Codex Hardenbergianus, GKS 1154 fol., and three Icelandic manuscripts – Skarðsbók, AM 350 fol., Svalbarðsbók, AM 343 fol., and Belgdalsbók, AM 347 fol. Johansson and Liepe interpret variations in the iconography of the historiated initials of the first three sections in these manuscripts as alternative medial framings of the law that promote current legal ideas of the divinity of law or the legislative authority of earthly rulers.

The volume ends with two articles on the Swedish material. In a discussion of the documentation of an inspection of several manuscripts of the Swedish provincial law *Hälsingelagen* [Laws of the Hälsingar] by Archbishop Birger in the year 1374, Stefan Brink analyses an incident that reveals the relevance and authority of individual copies of the law, thus inviting reflections on literacy practices and the power of the book in the legal culture of medieval Sweden.

In the concluding article, Jonas Carlquist expands the corpus of legal texts examined in this volume by directing his attention to Berlin SPK germ. fol. 726, a manuscript written at the convent of Vadstena that contains a compilation of monastic legal texts. Carlquist approaches the

contents and the materiality of this manuscript as indicators of the relevance and use of written laws in the regulation of social life in the convent.

The individual articles in this volume focus on aspects of the material and medial characteristics of Nordic legal manuscripts. As a whole, they represent a first joint venture to discuss the material transmission of the law in the Nordic countries from various perspectives that go beyond national traditions, the Nordic context and the limitations of disciplines.

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MÁR JÓNSSON

## The Size of Medieval Icelandic Legal Manuscripts

King Magnús Hákonarson of Norway succeeded in giving the regions and towns of his kingdom consistent codes of law. His last product was brought to Iceland in the summer of 1280, just after his death eighteen years after the island had become part of the Realm of Norway. After intense discussions and some minor changes, the new Icelandic law-book was ratified at the General Assembly (*Alþingi*) at Þingvellir in the summer of 1281. At first it was just called ›law-book‹ (*lögþók*) or ›law-book of the Land‹ (*landslagabók*) but quite soon it received the name *Jónsbók* (›John’s Book‹) after the lawman (*lögmaður*) Jón Einarsson who, together with the royal commissioner Loðinn Leppur, had brought it to the country. The production of manuscripts was fairly well established in Iceland at the time and the standards were high. A number of professional scribes were active in the country, most of them in monasteries but others working for culturally-inclined chieftains. These artisans adapted quickly to the demand created by the new law, and copies of varying sizes and formats poured forth from their scriptoria. Lamentably, not a single one of these men is known by name and little is known about their working places, but this chapter is concerned with what has survived of their vast production.

*Jónsbók* stipulated that no fewer than 84 men from all parts of the country were to come to the annual *Alþingi*; they were appointed by sheriffs (*sýslumenn*), the king’s representatives in Iceland, whose number increased from two or three in the late thirteenth century to almost twenty by the early sixteenth century. At the *Alþingi*, the lawman (*lögmaður*) chose 36 court-men (*lögréttumenn*) to sit in the Court (*lögrétta*).<sup>1</sup> As the 84 men were also active in one or more of the 160 district courts, it is reasonable to assume that they would have wanted to own a copy of *Jónsbók*. A number of men, most of them farmers, also attended the district courts as members of the jury (*dómsmenn*). Prominent priests would conceivably need a copy of *Jónsbók* and the new Church Law (*Kristinréttir*) from 1275.

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<sup>1</sup> *Jónsbók*: 2010, 63; cf. *Jónsbók*: 2004, 81–83; *Jónsbók*: 1904/1970, 6–8. On the development of this system, see Sigríður BECK: 2011, 62–73.

It is not possible to determine how many copies of *Jónsbók* and *Kristinréttir* were in circulation at any given time, but 200 may not be an exaggeration. As can be seen in Table 1, the number of the extant legal manuscripts is significant. No less than 199 legal manuscripts and fragments from before 1600 are extant, which amounts to more than one out of every five of all extant Icelandic medieval manuscripts.<sup>2</sup> The oldest copies of *Jónsbók* (AM 134 4to) and *Kristinréttir* (AM 49 8vo) can be dated to the end of the thirteenth century. Almost half of all complete manuscripts are from the sixteenth century.

Period	Legal Mss	Legal fragments	Total	Icelandic Mss	Legal Mss in % of all Mss
1201–1300	4	4	8	111	7
1301–1400	27	28	55	332	17
1401–1500	31	23	54	241	22
1501–1600	57	25	82	210	39
Total	119	80	199	894	22

Table 1. Distribution of Icelandic Legal Manuscripts. Manuscripts containing *Grágás*, *Jónsbók*, *Kristinréttir*, Church Statutes and Royal Decrees have been included; see list below. The list is based on *Ordbog over der norrøne prosasprog. Registre and Jónsbók*: 1904, xli–lvii, with additions from STEFÁN KARLSSON and ÓLAFUR HALLDÓRSSON: 1970.

The majority of fragments consists of only a few leaves; given the fact that only a few of the extant manuscripts or fragments seem to have been copied from an extant manuscript, it is likely that many more manuscripts existed but are now lost. The rate of destruction, however, cannot be determined.<sup>3</sup> Manuscripts of *Jónsbók* may have been expensive but officials and litigants could always inherit a copy or buy one from the second-hand book market created by a steady manuscript production. Law-books had to be present in court and thus were tokens of power, but they were also a practical tool of administration. Even if it is assumed that

<sup>2</sup> Two manuscripts and four fragments of the older Icelandic law-book, known as *Grágás*, are included. On these two manuscripts, see BOULHOSA and ROHRBACH in this volume. One of the fragments (AM 315 d fol.) has been dated to the end of the twelfth century but is included here as belonging to the thirteenth century. The dating of all manuscripts is taken from *Ordbog over der norrøne prosasprog. Registre* unless stated otherwise.

<sup>3</sup> *Jónsbók*: 1904/1970, xxxv; *Jónsbók*: 2004, 26; MÁR JÓNSSON: 2001, 384–386.

judges knew the text by heart, it is probable that they would at times consult the actual books.<sup>4</sup> The text had to be kept stable and up-to-date for such consultation and its layout had to be made practical and coherent, preferably with the inclusion of some finding-aids.<sup>5</sup>

Genre	Number	Semiperimetro	Proportion
Law	176	343	0.745
Theology	112	367	0.733
Sagas	343	396	0.737
	631	376	0.738

Table 2. Size and proportion of Icelandic vellums according to genre.

This chapter will discuss some aspects of the external appearance of law-books which need to be considered when assessing the size of manuscripts, and will consider whether the size and size-related features of these manuscripts differentiate them from other genres of manuscripts. Four factors are relevant in this context: weight, number of leaves, size of leaves and the proportion of height and width, but weight shall not be considered here as it is not provided in all relevant catalogues. If only Icelandic manuscripts with more than 40 leaves are considered, it turns out that legal manuscripts (115 items), with an average of 113 leaves, are ‘larger’ than theological manuscripts (116 items) with an average of 90 leaves and saga manuscripts (110 items including hagiography) with 87 leaves. A more appropriate measure of manuscript size is the so-called *semiperimetro* (‘half perimeter’, Italian), that is, height + width = half of the perimeter. A contemporary A4 sheet has a *semiperimetro* of 506 mm (210 + 296 mm) and the present book has 518 mm (220 + 298 mm). Table 2 shows the *semiperimetro* of manuscripts which have not been trimmed or cut in other ways: it reveals that law-books were somewhat smaller than other Icelandic manuscripts, with a *semiperimetro* of 343 mm compared to 367 mm of theological manuscripts and 396 mm of saga manuscripts. The largest extant *Jónsbók* has a *semiperimetro* of 637 mm (AM 350 fol., c. 1363) and the second largest legal manuscript, the Codex Regius of *Grágás* (GKS 1157 fol., c. 1250), 599 mm. The *semiperimetro* of the smallest extant *Jónsbók* is 148 mm (AM 456 12mo, c. 1480–1500) but the great majority of manuscripts is close to the average of between 260 and

4 MÅR JÓNSSON: 2011, 149.

5 See ROHRBACH in this volume, 116–118.

400 mm. These measurements indicate that Icelandic medieval law-books were highly portable, which is consistent with the conclusion of Patrick Wormald on late Anglo-Saxon legal manuscripts: »One would also expect a premium on portability in books meant for consultation«. <sup>6</sup>

Table 2 also provides data on the proportion of the leaves, that is, the relation of width to height. A sheet of A4 has the proportion of 0.707 which does not change when the page is folded, and it is noteworthy that from the third century onwards, early on in the making of manuscripts, makers and designers of books strove to get close to this proportion. This fact is particularly intriguing as the usable part of hides that were used to make parchment was wider than that, and had a proportion between 0.790 and 0.830; this meant that valuable vellum was cut off and wasted in order to make the manuscripts look better. When these hides are folded (folio) the proportion decreases from 0.790 to 0.624. If folded again (quarto) the original proportion reappears, 0.790. In thirteenth-century France the proportion came close to the immutable 0.707 as its formal beauty was defined as a necessary and attainable goal. That was never the case in Iceland where the average proportion was 0.738, with law-books being a little wider, by proportion, than other manuscripts. The two Icelandic manuscripts of *Grágás*, *Konungsbók* (GKS 1157 fol.) and *Staðarhólsbók* (AM 334 fol.), come close to the immutable proportion, 0.692 and 0.716 respectively; on the other end, the fifteenth-century manuscripts AM 456 12mo and AM 132 4to have a proportion of 0.804 and 0.865 respectively (see Appendix and Figs. 1–3).

On the whole there is hardly any difference in the page layout, number of lines and size of letters among Icelandic manuscripts of different genres – the pages of both law-books and saga manuscripts are well balanced and the text readily readable.<sup>7</sup> A comparison with legal manuscripts from Norway, Denmark and Sweden will put their Icelandic counterparts into a wider context. Scandinavian manuscripts were likely to be known in Iceland and may thus have influenced the production of Icelandic manuscripts.<sup>8</sup>

6 WORMALD: 1999, 181. In general, Icelandic vellums grew bigger in the thirteenth and fourteenth centuries, but then became smaller and smaller again; see MÁR JÓNSSON: 2012, 239–240.

7 MÁR JÓNSSON: 2011, 152–153; MÁR JÓNSSON: 2012, 241–242.

8 Most Norwegian and many Danish manuscripts are in the Arnamagnæan collection in Copenhagen and have been catalogued by Kristian Kålund in the late nineteenth-century. Lena Rohrbach has provided data on Danish law-books in other collections



Figs. 1 and 2: The large and narrow manuscript of *Grágás*, GKS 1157 fol. (left) and the small and wide manuscript of *Jónsbók*, AM 132 4to (right).

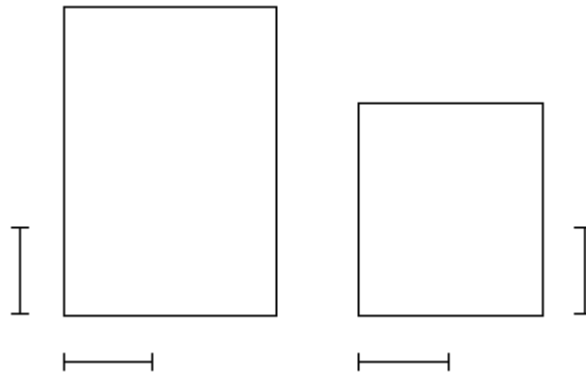


Fig. 3: Relative size of GKS 1157 fol. (left) in comparison to AM 132 4to (right).

than the Arnarnagnæan one. The data on Swedish manuscripts is mostly based on information found in Schlyter's edition, in which the measurement *stum* is used (equivalent to 25 mm). The data on Swedish manuscripts is not complete: ÅSTRÖM: 2003, 65 mentions 126 Swedish vellum law-books which have not been included here.

Table 3 is limited to the period 1201–1500 as most manuscripts in countries other than Iceland were written on paper after 1500.

	Iceland	Norway	Denmark	Sweden	Average
Semiperimetro	368	418	296	378	362
Min $\longleftrightarrow$ Max	184–637	247–521	176–736	238–675	176–736
Max / Min	3.5	2.1	4.2	2.8	4.2
Proportion	0.742	0.727	0.725	0.742	0.736
Number	104	38	63	87	292

Table 3. Size and proportion of Nordic legal manuscripts 1201–1500.

Danish manuscripts are by far the smallest with an average *semiperimetro* of 296 mm whereas the average for all Nordic legal manuscripts is 362 mm. Curiously though, the vellum of the Danish *Jyske lov* from c. 1300 (AM 286 fol.) is the largest Nordic legal manuscript with a *semiperimetro* of 736 mm. On average the Norwegian manuscripts are the largest, with Swedish and Icelandic manuscripts in between.<sup>9</sup> However, as the maximum and minimum values show, there is a great variety in size within all countries; the difference between the largest and smallest manuscripts is greatest in Denmark and Iceland and smallest in Sweden and Norway. Considering the proportion of width to height, it can be said that Danish and Norwegian law-books are more elegant than the Icelandic and Swedish ones as they come closer to the immutable proportion of 0.707. However, from a practical point of view, the closeness to this immutable proportion was not relevant because the difference in design, although visible, did not matter when the books were consulted. The data confirms that there were law-books which nobody would want to carry around because of their bulk, but the great majority was portable; in other words, they were objects designed and produced to be perused on a daily basis in legal and political affairs.

<sup>9</sup> For comparison, English legal manuscripts are somewhat larger than the Norwegian ones, as data provided by Patrick Wormald indicates an average *semiperimetro* of around 430 mm. WORMALD: 1999, 58.

## Appendix

A list of Icelandic legal manuscripts on vellum, 1201–1600. Vellums and fragments which are undamaged or only slightly damaged by cutting have been included. Measurements are those shown in the relevant catalogues.

Abbreviations:

Am.	Royal Amendments and Church Statutes	Jb.	Jónsbók
Gr.	Grágás	Kr.	Kristinréttir of 1275
H	Height in millimetres	W	Width in millimetres

Period	Manuscript	Title	Leaves	Columns	H	W	H+W	W/H
1201–1300	AM 315 d fol.	Gr.	2	1	222	144	366	0.649
	GKS 1157 fol.	Gr.	93	2	354	245	599	0.692
	AM 315 b fol.	Gr.	1	1	230	160	390	0.696
	AM 334 fol.	Gr.	108	2	335	240	575	0.716
	AM 134 4to	Jb.	41	1	223	160	383	0.717
	AM 49 8vo	Kr.	30	1	137	110	247	0.803
1301–1400	AM 173 d A 21+26+35+36 4to	Jb.	4	1	252	163	415	0.647
	AM 315 l fol.	Jb.	2	1	219	142	361	0.648
	AM 168 a+b 4to	Jb.	77	1	227	150	377	0.661
	GKS 3270 4to	Jb.	129	2	290	194	484	0.669
	AM 173 d A 5+20+34 4to	Jb.	12	1	245	166	411	0.678
	AM 173 d A 12+16 4to	Jb.	2	1	188	128	316	0.681
	AM 173 d A 33 4to	Jb.	2	1	220	150	370	0.682
	AM 173 d A 10+13 4to	Jb.	2	1	190	130	320	0.684
	AM 343 fol.	Jb.	90	2	288	198	486	0.688
	AM 173 d A 8 4to	Jb.	6	1	210	147	357	0.700
	AM 169 4to	Jb.	78	1	215	152	367	0.707
	AM 351 fol.	Jb.	133	2	280	198	478	0.707



Period	Manuscript	Title	Leaves	Columns	H	W	H+W	W/H
1301-1400	KBAdd. 35 I 4to	Kr.	2	1	220	156	376	0.709
	AM 354 fol.	Jb.	139	1	272	193	465	0.710
	AM 158 a+b 4to	Jb.	89	1	225	160	385	0.711
	Holm. perg. 26 4to	Kr.	24	1	225	160	385	0.711
	AM 344 fol.	Jb.	79	2	280	200	480	0.714
	AM 154 4to	Jb.	77	1	230	165	395	0.717
	AM 133 4to	Jb.	92	1	250	180	430	0.720
	AM 139 4to	Jb.	71	1	235	170	405	0.723
	AM 346 fol.	Jb.	85	1	248	180	428	0.726
	AM 173 d A 6 4to	Jb.	2	2	213	155	368	0.728
	AM 173 d A 3 4to	Jb.	2	1	233	170	403	0.730
	AM 347 fol.	Jb.	98	2	273	200	473	0.733
	NKS 1930 a 4to	Jb.	84	1	204	150	354	0.735
	AM 156 4to	Jb.	79	1	190	140	330	0.737
	AM 127 4to	Jb.	98	2	270	200	470	0.741
	Holm. perg. 36 III 4to	Jb.	4	1	216	160	376	0.741
	AM 350 fol.	Jb.	157	2	364	273	637	0.750
	GKS 3269 b 4to	Jb.	66	2	220	166	386	0.755
	Thott 1280 fol.	Jb.	89	2	270	205	475	0.759
	AM 173 d A 18+31 4to	Jb.	4	1	237	180	417	0.759
	AM 174 I D 4to	Am.	5	1	152	116	268	0.763
	JS fragm. 1 4to	Jb.	1	1	260	200	460	0.769
	ÞÍ Varia I 10 + JS fragm. 12 4to + AM 173 d A 22 4to	Jb.	5	1	200	155	355	0.775
	AM 173 d A 1 4to	Jb.	2	2	335	260	595	0.776
	AM 173 d A 7 4to	Jb.	2	1	193	150	343	0.777
	AM 42 a+b 8vo	Jb.	139	1	140	110	250	0.786
	AM 126 4to	Jb.	136	1	273	217	490	0.795

Period	Manuscript	Title	Leaves	Columns	H	W	H+W	W/H
1301-1400	AM 173 d B 1 + C 2 4to	Gr.	1	2	220	175	395	0.795
	GKS 3268 4to	Jb.	98	1	238	193	431	0.811
	GKS 3269 a 4to	Jb.	103	2	212	172	384	0.811
	AM 48 8vo	Jb.	56	1	136	112	248	0.824
	AM 135 4to	Jb.	114	2	272	225	497	0.827
	GKS 3271 4to	Jb.	54	1	187	156	343	0.834
	JS fragm. 20 4to	Jb.	2	1	160	135	295	0.844
1401-1500	AM 173 d B 4 4to	Kr.	1	1	245	147	392	0.600
	AM 173 d A 25+27 4to	Jb.	2	1	225	142	367	0.631
	AM 177 4to	Kr.	23	1	185	124	309	0.670
	AM 174 I A 4to	Am.	8	1	163	110	273	0.675
	AM 175 a+c 4to	Jb.	53	1	230	157	387	0.683
	AM 148 4to	Jb.	136	1	190	130	320	0.684
	Thott 2099 4to	Jb.	225	1	173	120	293	0.694
	AM 173 a III 4to	Jb.	12	1	233	162	395	0.695
	AM 172 4to	Jb.	26	1	254	177	431	0.697
	AM 173 a II 4to	Jb.	2	1	231	162	393	0.701
	AM 155 a+b 4to	Jb.	118	1	205	144	349	0.702
	AM 51 8vo	Jb.	40	1	158	112	270	0.709
	AM 152 4to	Jb.	125	1	162	115	277	0.710
	AM 137 4to	Jb.	101	1	225	160	385	0.711
	Lbs. 1186 4to	Jb.	2	1	158	114	272	0.722
	AM 173 a I 4to	Jb.	2	1	234	169	403	0.722
	AM 157 a+b 4to	Jb.	133	2	255	185	440	0.725
	AM 41 8vo	Jb.	125	1	140	102	242	0.729
	AM 173 a VII 4to	Jb.	1	1	233	170	403	0.730
	AM 186 4to	Kr.	65	1	157	115	272	0.732
	AM 50 8vo	Kr.	50	1	147	108	255	0.735

Period	Manuscript	Title	Leaves	Columns	H	W	H+W	W/H
1401-1500	AM 173 d C 4 4to	Am.	5	1	185	136	321	0.735
	AM 173 d B 3 4to	Kr.	2	1	265	200	465	0.755
	AM 138 4to	Jb.	182	1	200	152	352	0.760
	AM 128 4to	Jb.	117	1	210	160	370	0.762
	AM 173 d B 9 4to	Kr.	2	2	210	160	370	0.762
	ÍB 301 4to	Jb.	2	1	192	147	339	0.766
	Rask 72 a	Jb.	104	1	133	102	235	0.767
	NKS 1925 4to	Jb.	92	1	203	156	359	0.768
	AM 173 d A 11+19 4to	Jb.	4	1	195	150	345	0.769
	AM 37 a 8vo	Jb.	139	1	153	118	271	0.771
	AM 151 4to	Jb.	140	1	165	128	293	0.776
	AM 687 a + 688 c 4to + 56 8vo	Kr.	15	1	159	124	283	0.780
	AM 39 8vo	Jb.	162	1	128	100	228	0.781
	AM 159 4to	Jb.	92	1	156	122	278	0.782
	AM 52 8vo	Kr.	30	1	150	118	268	0.787
	AM 173 d A 28 4to	Jb.	2	1	167	132	299	0.790
	AM 136 4to	Jb.	147	1	180	143	323	0.794
	Thott 2101 4to	Jb.	127	1	182	145	327	0.797
	AM 174 I C 4to	Am.	2	2	140	112	252	0.800
	Engeström 97	Jb.	141	1	125	100	225	0.800
	AM 456 12mo	Jb.	125	1	102	82	184	0.804
	AM 173 d A 23 4to	Jb.	1	1	170	137	307	0.806
	AM 688 b 4to	Kr.	3	1	155	125	280	0.806
	Rask 72 b	Jb.	44	1	136	110	246	0.809
	AM 173 b 4to	Jb.	55	1	154	126	280	0.818
	AM 173 d A 4 4to	Jb.	2	1	180	152	332	0.844
	AM 132 4to	Jb.	70	1	245	212	457	0.865

Period	Manuscript	Title	Leaves	Columns	H	W	H+W	W/H
1501-1600	Holm. perg. 5 4to	Jb.	63	1	253	135	388	0.534
	Thott 2098 4to	Jb.	92	1	189	120	309	0.635
	AM 55 8vo	Am.	72	1	158	102	260	0.646
	AM 54 8vo	Am.	23	1	145	94	239	0.648
	Thott 596 8vo	Am.	29	1	146	95	241	0.651
	AM 45 8vo	Am.	48	1	130	85	215	0.654
	AM 458 12mo	Am.	88	1	130	85	215	0.654
	Holm. perg. 36 IV 4to	Jb.	1	1	210	142	352	0.676
	AM 173 d B 8 4to	Kr.	2	1	162	110	272	0.679
	AM 345 fol.	Jb.	92	1	266	182	448	0.684
	AM 173 d A 30 4to	Jb.	2	1	260	180	440	0.692
	AM 150 4to	Jb.	110	1	190	133	323	0.700
	Harvard MS Iceland. 43	Jb.	117	1	190	133	323	0.700
	AM 342 fol.	Jb.	86	1	258	182	440	0.705
	AM 173 d B 6 4to	Kr.	2	1	187	132	319	0.706
	Holm. perg. 7 8vo	Jb.	161	1	155	110	265	0.710
	AM 129 4to	Jb.	152	1	190	135	325	0.711
	KBAdd. 8 4to	Jb.	85	1	245	175	420	0.714
	AM 1056 II 4to	Jb.	1	1	214	153	367	0.715
	JS fragm. 3 4to	Jb.	2	1	195	140	335	0.718
	AM 160 4to	Jb.	133	1	160	115	275	0.719
	AM 38 8vo	Jb.	126	1	157	113	270	0.720
	AM 140 4to	Jb.	139	1	200	145	345	0.725
	Uldall 322 4to	Jb.	189	1	200	146	346	0.730
	AM 153 4to	Jb.	152	1	175	128	303	0.731
	AM 173 d A 2 4to	Jb.	2	1	180	132	312	0.733
	Steph. 12 4to	Jb.	213	1	157	116	273	0.739
	AM 173 d B 7 4to	Kr.	2	1	155	115	270	0.742

Period	Manuscript	Title	Leaves	Columns	H	W	H+W	W/H
1501-1600	Thott 593 8vo	Jb.	147	1	148	110	258	0.743
	Thott 2102 4to	Jb.	247	1	156	116	272	0.744
	AM 173 d C 7 4to	Am.	1	1	158	118	276	0.747
	Holm. perg. 25 4to	Jb.	119	1	200	150	350	0.750
	UppsDelag. 9	Jb.	179	1	200	150	350	0.750
	AM 173 d A 29 + B 2 4to	Jb.	6	1	165	124	289	0.752
	AM 176 4to	Kr.	31	1	210	158	368	0.752
	BN Scand 15	Jb.	151	1	172	130	302	0.756
	Holm. perg. 27 4to	Kr.	125	1	185	140	325	0.757
	AM 173 a V 4to	Jb.	15	1	218	165	383	0.757
	NKS 1928 4to	Jb.	129	1	187	142	329	0.759
	AM 61 b I 3 4to	Jb.	1	1	226	173	399	0.765
	AM 170 a+b 4to	Jb.	34	2	215	165	380	0.767
	NKS 1923 4to	Jb.	156	1	172	132	304	0.767
	AM 131 4to	Jb.	96	1	195	150	345	0.769
	NKS 1926 4to	Jb.	97	1	180	140	320	0.778
	Holm. perg. 6 8vo	Jb.	107	1	160	125	285	0.781
	AM 43 8vo	Jb.	95	1	140	110	250	0.786
	Princeton MS. 62	Jb.	169	1	140	110	250	0.786
	AM 40 8vo	Jb.	198	1	132	104	236	0.788
	NKS 1924 4to	Jb.	84	1	217	171	388	0.788
	Thott 2100 4to	Jb.	69	2	213	168	381	0.789
	Fiske IcG1J8II	Jb.	153	1	180	142	322	0.789
	AM 130 4to	Jb.	104	2	190	150	340	0.789
	Bodl. MS. Icel. e.1	Jb.	128	1	172	136	308	0.791
	AM 173 a IX 4to	Jb.	2	1	220	174	394	0.791
	Thott 2103 4to	Jb.	128	1	193	154	347	0.798

Period	Manuscript	Title	Leaves	Columns	H	W	H+W	W/H
1501-1600	Lbs. fragm. 9	Jb.	2	1	125	100	225	0.800
	Holm. perg. 8 8vo	Jb.	63	1	143	115	258	0.804
	Lbs. 975 4to	Jb.	171	1	160	129	289	0.806
	Rask 73	Jb.	149	1	136	110	246	0.809
	AM 161 4to	Jb.	175	1	197	160	357	0.812
	AM 147 4to	Jb.	133	1	160	130	290	0.813
	AM 173 a VI 4to	Jb.	2	1	178	145	323	0.815
	AM 173 d A 32 4to	Jb.	4	1	125	102	227	0.816
	NKS 1933 4to	Jb.	129	1	175	143	318	0.817
	AM 173 a IV 4to	Jb.	11	1	208	173	381	0.832
	AM 44 8vo	Jb.	63	1	120	100	220	0.833
	Lbs. 527 4to	Jb.	84	1	170	142	312	0.835
	AM 149 4to	Jb.	70	1	157	135	292	0.860
	GKS 3273 4to	Jb.	136	1	143	125	268	0.874

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PATRIK ÅSTRÖM  
Books, Bosses and Bookmarkers:  
Reflections on Book Design

In the Preface to the Law of Uppland (c. 1296), the Swedish king Birger, in giving the law to the Upplanders, is likened to God who gave the first law to Moses:

Gvþ siälvär skipaði fyrstu lagh, ok sändi sinu folki mäþ Moyses, är fyrsti laghmaþär war fore hans folki. Swa sändir ok en waldughär konungär sweä oc giötä, Byrghir son Magnusä kununx, allum þem är byggjä mellom haffs ok Säw ströms ok Öþmorpä bok þässä, mäþ Wigers flokkum ok laghum upplänzkum.<sup>1</sup>

The idea expressed in the Preface gives the secular law divine sanction. Is this ›divinity‹ expressed in the physical form of the Swedish law-books? Is the importance of the books, in particular their religious or quasi-religious symbolic value, expressed in their size? In this article, I will present the main elements of an ongoing, primarily quantitative investigation of the physical form of the Swedish medieval legal manuscripts.

### On the Significance of Book Sizes

In order to answer the questions above we must first ascertain whether the size of the religious books, such as liturgical books, can have symbolic importance. It may be assumed that the religious, divine importance of the books used in the Christian mass should be expressed in their size. Are they actually larger than other books? I have investigated 119 medieval manuscripts primarily in Swedish libraries. Their texts are written in a number of languages (Latin, Swedish, Norse and Danish, to mention the most frequent). In this corpus about 50 percent of the manuscripts are between 180 and 250 mm in height, with an average of 215 mm. The Latin books in the corpus with a height of 300 mm or more (13 % of the corpus)

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<sup>1</sup> *Uplandslagen*: 1834, 6. [God himself made the first law and send it to his people through Moses, who was the first ›lawman‹ [judge] of his people. In the same way the mighty king of the Swedes and Goths, Birger, son of king Magnus, sends this book with the statutes of Wiger and Uplandish law to all who live between the sea and Säwström and Ödmorden]. Säwström is a river that separates the provinces of Uppland and Västmanland; Ödmorden is a forest that separates former Uppland and Norrland/Hälsingland, now Gästrikland and Hälsingland. All translations are by the author, unless otherwise stated.



have varied content. Two kinds of books of particular interest can be distinguished, even if they only add up to a very small number (approximately 1 %) of the total corpus. One of these groups are antiphonaries, that is books with songs (both text and music) used in the liturgy. The reason why they are above the standard size obviously is connected to their function: they were meant to be read from some distance at the same time by a number of members of a choir. In comparison, books containing collections of biblical texts, such as breviaries and lectionaries, are normally within the range of the standard height mentioned above. Their importance is not signified by their size. The second group of books with an extraordinary size contain Canon law (*Decretales* etc.). These manuscripts normally display the main text in the centre of the pages, surrounded by extensive glosses. The size of such books is determined by the arrangement of the text on the page. Small books, 160 mm in height or less (13 % of the corpus), also contain a distinct but small subgroup, namely prayer books (c. 3 % of the total corpus).

When the sizes of Swedish law-books are studied in this context, it is no surprise that the vast majority of them are of ›standard‹ size.<sup>2</sup> Still, about 20 % of them are 300 mm in height or more. Even if the total numbers are relatively small it is worth noting that the average size of the manuscripts from the thirteenth and fourteenth centuries is a little smaller than those from the fifteenth century. From a quantitative point of view, there are no distinctive differences between law-books and books in general, when it comes to the sizes. This is also the case for the majority of liturgical books. Although size does not seem to have any symbolic importance, it is still worth investigating manuscript sizes from a qualitative point of view; I shall return to this at the end of this article.

### On Medieval Bindings

I have collected codicological data about law-books written in Sweden before c. 1530 in order to understand how the different physical characteristics of a book relate to each other. The study may reveal something about how the binding and its decoration relate to the materials (parchment and paper), to the elements of the *mise-en-page* (lineation, etc.),

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<sup>2</sup> For a comparative analysis of the size of Nordic legal manuscripts, see MÁR JÓNSSON in this volume, 30.

and to other features of the text (initials, type of script, etc.). These characteristics might tell something about the function of the books, for instance, if a certain manuscript was meant to be used in court, or if it was primarily a symbol of the owner's wealth and power. Furthermore, a comparison of the codicological elements in different books may offer a deeper understanding of law-books in general. This idea is not new, but no study of the Swedish material has been made within a comparative and quantitative perspective.<sup>3</sup>

The present analysis only includes 133 manuscripts, that is, all Swedish law-books found in Swedish and Danish public libraries, except fragments. As my investigation of these manuscripts has not been concluded, I will concentrate only on the physical features of these books. The books were written from the end of the thirteenth century to the beginning of the sixteenth century and can be divided into two periods according to their writing materials and scripts. Up to the end of the fourteenth century, the books were written on parchment and usually in Gothic *textualis*.<sup>4</sup> From the fifteenth century onwards, they were written, to a growing extent, on paper (occurring c. 1400) and in Gothic *hybrida*. A general development can be seen from expensive, decorative codices to less exclusive ones, even if there are important exceptions to this rule.

Only around one fifth (i.e. 28) of the books still have their medieval bindings,<sup>5</sup> one eighth belong to the Reformation (the first decades of the sixteenth century),<sup>6</sup> one fifth are from the Renaissance (c. 1530–1600), and the remaining are younger or have been restored in modern times. The high number of bindings from the sixteenth century is due to the fact that the manuscripts were still in use a long time after they were written, and the bindings therefore wore out and had to be restored. (The manuscripts were replaced by printed books only at the beginning of the seventeenth century.) The post-medieval bindings can be classified according to their decorative stamps and material. A considerable number of codices, for instance, have flyleaves made of sixteenth century paper.

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<sup>3</sup> Anna Magdalena Lindskog Midtgaard is presently conducting a similar research on all Danish manuscripts.

<sup>4</sup> The palaeographic terminology is taken from DEROLEZ: 2003.

<sup>5</sup> The binding of one manuscript, Thott 2196 4to, might be post-medieval.

<sup>6</sup> It is difficult to distinguish between medieval and Reformation bindings, and there is no space to discuss the subject here; a discussion of the problem can be found in LINDSKOG MIDTGAARD: 2005.

Signature, Date, Legal Text	Writing material	Fastening	Decoration	Book- markers
<i>Hard bindings:</i>				
Holm B 52 (c. 1325–1375, Up)	Parchment			
Holm B 54 (c. 1325–1375, ÄVm)	Parchment	[Missing] <sup>7</sup>	Fittings	
Holm B 10 (c. 1300–1400, ME)	Parchment	Hook-clasp	Fittings	Coloured thread
Holm B 127a (c. 1350–1500, St) <sup>8</sup>	Parchment	Long-strap		
UppsUB B 10 (c. 1375–1400, ME)	Parchment	Hook-clasp		
Holm B 170 (1387, St)	Parchment	Hook-clasp	Fittings	
Holm B 107 (1388, ME)	Parchment	Hook-clasp	Blind stamps	Seal tags
UppsUB B 50 (1411, ME)	Parchment	[Missing]		
Holm B 185 (c. 1425–1475, St)	Parchment	Hook-clasp		
Thott 2196 4to (c. 1425–1475, ME)	Parchment	Hook-clasp		
Holm B 23a (c. 1440–1450, Kr)	Parchment	[Missing]	Blind stamps	
Holm B 4 (c. 1440–1460, ME, St)	Parchment	Hook-clasp		
Holm B 47 (c. 1440–1460, St)	Paper	Hook-clasp		
Holm B 24 (1442–1443, Kr)	Mixed	Hook-clasp		
Holm B 34 (1442–1443, Kr)	Mixed	[Missing]	Blind stamps	
Holm B 15 (c. 1450–1500, ME)	Parchment	[Missing]		

<sup>7</sup> ›Missing‹ indicates that there are marks on the boards indicating lost metalpieces.

<sup>8</sup> Holm B 127a was unknown to Schlyter. The binding suggests that it could have been bound in the second half of the fourteenth century.

Signature, Date, Legal Text	Writing material	Fastening	Decoration	Book- markers
NKS 2238 4to (c. 1400, or c. 1450–1500, St) <sup>9</sup>	Parchment	[Missing]		
Holm B 123 (c. 1450–1500, ME)	Parchment	Hook-clasp	Blind stamps	Seal tags
Holm B 124 (c. 1460–1470, ME)	Paper	Hook-clasp		
Holm B 120 (1464, Cont. ME/Kr)	Paper	Hook-clasp		
Thott 2199 4to (1468, ME)	Mixed	Hook-clasp		
Holm B 44 (c. 1475–1500, St)	Parchment	Hook-clasp		
Holm B 151 (1484, St)	Paper	Hook-clasp	Blind stamps	
Holm B 3 (1488, ME)	Parchment	[Missing]	Blind stamps	
<i>Limp bindings:</i>				
Holm B 48 (c. 1410–1430, St)	Paper			
Holm B 168 (1429, ME)	Parchment		Blind stamps	
Holm B 32 (c. 1440–1443, Kr)	Paper			Parchment slips
Holm B 42 (1486, Kr)	Paper			

Table 1. Book design of Swedish legal manuscripts with medieval bindings in chronological order.

The 28 codices with medieval bindings contain five legal texts, distributed as follows across the manuscripts (for dates, see Table 1): *Äldre Västmannalagen/Dalalagen* [Older Västmanland law or Dalarna law, ÄVm] 1 manuscript (Holm B 54); *Upplandslagen* [Uppland law, Up] 1 manuscript (Holm B 52); *Magnus Erikssons landslag* [Magnus Eriksson's

<sup>9</sup> NKS 2238 4to has a picture of a queen at the beginning of *Kungabalken* (‘The King’s Section’), presumably Margaretha (d. 1412). The book may have been written during her reign in 1389–1412, rather than in the second half of the fifteenth century, as suggested by Schlyter (*Konung Magnus Erikssons Stadslag*: 1865, XVI–XVII).

Common law, ME] 11 manuscripts (Holm B 3, Holm B 10, Holm B 15, Holm B 107, Holm B 123, Holm B 124, Holm B 168, Thott 2196 4to, Thott 2199 4to, UppsUB B 10, UppsUB B 50); *Stadslagen* [Town Law, St] 8 manuscripts (Holm B 44, Holm B 47, Holm B 48, Holm B 127a, Holm B 151, Holm B 170, Holm B 185, NKS 2238 4to); *Kristoffers landslag* [Kristoffer's Common law, Kr] 5 manuscripts (Holm B 23a, Holm B 24, Holm B 32, Holm B 34, Holm B 42); both *Magnus Erikssons landslag* and *Stadslagen*, 1 manuscript (Holm B 4); contaminated *Kristoffers landslag* and *Magnus Erikssons landslag*, 1 manuscript (Holm B 120). As mentioned, the total numbers are rather small. The proportional distribution of the legal texts among these twenty-eight books corresponds with the distribution of the texts in all the manuscripts investigated.<sup>10</sup> In the following, I will discuss the physical elements of the medieval manuscripts, such as bookmarkers and lineation, but especially bindings.

The bindings can be divided into two major groups: those with limp (soft) covers and those with hard boards. The limp bindings have a parchment cover to which the gatherings have been attached. Four books have this kind of cover; three are written on paper, Holm B 32 (Kr), Holm B 42 (Kr, Fig. 4), Holm B 48 (St), and one on parchment, Holm B 168 (ME). The cover of Holm B 48 has been decorated with a blind, geometric pattern. The codices contain no exact information on their provenance, but Holm B 42 can be connected to the cathedral chapter at Strängnäs, and Holm B 32 to Södermanland. All four books are from the fifteenth century.<sup>11</sup>

The twenty-four remaining codices have hard bindings of wooden boards with leather coverings. Their text-blocks are made of parchment, paper or a combination of both. Four manuscripts have red leather covers, NKS 2238 4to (St: Trosa), Thott 2196 4to (ME), Holm B 23a (Kr), Holm B 170 (St: Söderköping; Fig. 5) and the cover of Holm B 127a (St) has remains of green colour. Two of these books, Holm B 170 and Thott 2196 4to, have a red and brown leather over-cover, respectively. Other colours (e.g. blue or black) might have been used in these bindings but it is now impossible to ascertain whether that was the case without a chemical analysis. In Holm B 44 (Fig. 6) the boards have been covered with leather and on top of that a red cloth that originally covered about two

<sup>10</sup> See ÅSTRÖM: 2003, 215.

<sup>11</sup> On the dating of the manuscripts see ÅSTRÖM: 2003.

thirds of the boards.<sup>12</sup> The remaining part and the back have been covered with another thicker layer of leather.

Fifteen out of the twenty-four books with hard bindings have one or two fastenings. Holm B 127a (St) has the oldest type, the long-strap fastening, which appeared in the Roman period and was in use until the end of the fifteenth century;<sup>13</sup> two straps are fixed at the front cover, which are attached to two pegs on the back cover. The book had to be stored with its back upwards, the usual way by which medieval books were laid on shelves. Fourteen codices have the so-called hook-clasp fastening, complete or in parts.<sup>14</sup> This type of fastening, according to Szirmai,<sup>15</sup> appeared at the beginning of the fifteenth century. It consists of a strap of leather attached to the edge of the back board; the strap has a metal hook that catches on the front board.

One third of the hard bindings have centre and corner pieces made of copper alloy. Most of these fittings have half-dome shaped bosses. Holm B 10 has hollow pieces that suggest that they might have held gems. The manuscript of the Town Law of Söderköping, Holm B 170, dated to 1387, has corner and centre pieces of copper alloy as well as iron pieces that suggest that it had been a chained book (*liber catenatus*). The manuscript of *Äldre Västmannalagen*, Holm B 54, also has remains of iron fittings, but they are hidden under the over-cover and thus their function cannot be ascertained. Similar to the above-mentioned coloured over-covers, these fittings may be considered part of the decoration of the books, even if they also have a protective function. Holm B 3, Holm B 23a, Holm B 34, Holm B 107, Holm B 123, and including Holm B 48 which has a limp binding, have blind stamps of simple geometric patterns on the covers. The patterns consist of a frame along the borders of the boards, and within this frame there is a diagonal cross (an 'X') or a rhombus pattern. Two codices from the 1480s, Holm B 3 and Holm B 151, have more advanced stamps picturing fantastic animals.

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<sup>12</sup> Only remains of the cloth are presently to be found around the centre pieces.

<sup>13</sup> SZIRMAI: 1999, 251.

<sup>14</sup> Holm B 3, Holm B 24, Holm B 34, Holm B 44, Holm B 54, Holm B 107, Holm B 120, Holm B 123, Holm B 124, Holm B 151, Holm B 170, Holm B 185, Thott 2196 4to, Thott 2199 4to.

<sup>15</sup> SZIRMAI: 1999, 251.



Fig. 4. Limp binding. Holm B 42, *Kristoffers Landslag*, c. 1486.



Fig. 5. Hard, red cover with copper alloy bosses and iron furnishings. Holm B 170, Town law (Söderköpings lagbok), 1387.





Fig. 6. Hard cover with copper alloy bosses and iron furnishings. Originally a kind of ›half binding‹ with red cloth (fragments still to be seen at the centrepiece) over parts of the covers. Holm B 44, Town law, c. 1475–1500.

The fore-edges of Holm B 10 and Holm B 52 have been painted with red colour and those of Holm B 107, Holm B 124, Thott 2199 4to with black or brown colour. Owners' marks have been engraved into two edges of Holm B 151. As these decorative elements also occur in post-medieval codices, it is impossible to ascertain whether the colouring and engraving are contemporary to the original design of the bindings.

### Bookmarkers and Lincation

The function of the law-books as ›reference works‹ is indicated by bookmarkers to aid the retrieval of a section (*balk*). As a rule, they seem to be placed after the Tables of Contents that precede each section. Three types of bookmarkers are found in the material. The most common is found in fourteen books.<sup>16</sup> It takes the form of a seal tag, made of a strip of parchment tied through a slit in the leaf, in the same fashion as parchment was slit to leave a tongue to which a seal was attached (Fig. 7). Holm B 168, SRA E 9046 and UppsUB B 13 have bookmarkers made of small pieces of parchment or paper, sometimes in red, attached to the edge of the leaf. Finally, Holm B 10 has a bookmarker made of a piece of coloured thread sewed to the margin of the leaf.<sup>17</sup> Bookmarkers may have been more common; it is possible that they were cut off when the books were rebound and their edges trimmed, which happened particularly often in the sixteenth century.<sup>18</sup>

I am presently investigating ruling in an attempt to relate the characteristics of the bindings with the layout of the text.<sup>19</sup> At this point in my research, I have found more than 40 different kinds of ruling techniques. Even in the 28 books with remaining medieval bindings mentioned above there are 15 different kinds of rulings. They range from having two lines that mark the inner and outer margins of the text to advanced frames that divide the page into six vertical columns as well as a complex system of

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<sup>16</sup> GötebUB Ms 238, Gävle Vasaskolan Ms 3, Linc J 80, Holm B 5b, Holm B 11, Holm B 12, Holm B 35, Holm B 45, Holm B 107, Holm B 112, Holm B 123, B 181, SRA E 9045, UppsUB B 9.

<sup>17</sup> According to KLEMMING: 1883–1884, 150, a similar bookmarker appears in Berlin PK Ms. Germ. fol. 726. On this manuscript see CARLQUIST in this volume.

<sup>18</sup> See SCHNEIDER: 1999, 163.

<sup>19</sup> I hope to return to this subject in the near future, when I intend to analyse all remaining manuscripts.

horizontal lines. The elaborate techniques are found in parchment codices written in *textualis* script which displays pen-flourished initials.<sup>20</sup> Ruling techniques that consist of two lines along the margins or a simple frame surrounding the writing area are most common in paper manuscripts. The absence of lines in the paper books can be explained by the fact that the paper often had distinct ribs which provided ruling.



Fig. 7. Bookmarker (seal tag), Holm B 45, f. 7IV, Town law, c. 1475–1500.

It is too early to draw any final conclusions on ruling. As there are so few Swedish vernacular manuscripts, it is uncertain whether any definitive results can be reached, as to where a certain scribe got his influence from, when he ruled a manuscript. A broader investigation, taking Latin manuscripts and manuscripts from abroad into account, could perhaps show whether local Swedish habits existed, or whether Swedish ruling techniques, at least in certain cases, were influenced by particular continental scribal schools.

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<sup>20</sup> The initials are indented; the indentation is marked by a special vertical line.

### Final Discussion

As the origins of the books is generally unknown, it is difficult to connect their design to their function, but it is noteworthy that two out of the three books that may be related to owners belonging to the nobility are larger than average. One of them, Holm B 23a, is 300 mm high. It was owned and probably commissioned by the Lord Justice of Uppland and leader of the Privy Council of the Realm, Bengt Jönsson Oxenstierna (d. c. 1450). Another one, Holm B 4, is 260 mm high and its depth of 100 mm is twice than average. The book contains both Magnus Eriksson's Common law and the Town law. It was owned by another member of the Privy Council, the Lord Justice of Östergötland Arvid Trolle (d. 1505). It is not quite certain that both laws in the book were written on his commission, as they might have been bound together only after Arvid's death. The third book, Holm B 10, is 250 mm in height. It probably belonged to the district judge of Värmland, Otte Torbjörnsson (d. 1475), who served under Queen Dorothea (d. 1495, married first to Christopher of Bavaria and later to Christian I).

As regarding the Town Laws, the law-books of Söderköping (Holm B 170) and Stockholm (Holm B 154) are larger (c. 300 mm high) than the books from Trosa (NKS 2238 4to, 230 mm) and Arboga (Holm B 185, 250 mm). Furthermore, the two large books are written in *textualis*, while the smaller ones are in *cursiva*. The book from Söderköping is dated 1387. The book from Trosa has a picture of a queen at the beginning of the main text. She can probably be identified as Margaretha (1387–1412); this indicates that the book could be about half a century older than has been previously assumed.<sup>21</sup> That would mean that the three books from Stockholm, Trosa and Arboga are from about the same time, the first half of the fifteenth century. Dating, then, does not explain the differences in size. Wealth could have been of some importance, at least when it comes to Stockholm and Söderköping, two of the most affluent towns in Sweden. Arboga, on the other hand, had a dominant position in the iron trade. A number of important secular and clerical meetings took place there. This indicates that the town was also of some importance, but perhaps not as important as the two others. The Arboga law-book is as small as that from the insignificant town of Trosa.

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<sup>21</sup> See footnote 9.

The differences in size imply that some books had a symbolic value, their size expressing the power and dignity of the owner, be it a nobleman or a town Council. The standard book used by judges travelling between courts within their jurisdiction had a more modest size and also a protective wooden cover. In contrast to the large and exclusive books, there are those with limp bindings, of which one out of four can be connected to the clergy (Holm B 42). This could indicate that the books with limp bindings had a more private function than books with wooden boards. The books with wooden boards were made to be used frequently at court, and therefore made in a material that would last longer than a simple, limp parchment cover. The bindings and most of the decorative elements of the books found in Sweden do not differ from those in continental Europe,<sup>22</sup> but as Lindskog Midtgaard has stated in her study of Danish manuscripts,<sup>23</sup> comparative studies are essential for us to understand the significance of the bindings and their chronology; this would involve comparing manuscripts of Swedish origins with each other, regardless of the language of their text, but also with manuscripts from the neighbouring countries. The remaining Swedish law-books are rather few and they date from a period of more than 200 years. Therefore, it is obvious that quantitative studies such as those presented here will give but a few conclusive results. In many cases a qualitative approach, i.e. a deeper study of particular manuscripts, could perhaps be more satisfying. The studies of the materiality of Swedish books should best be seen as a contribution to Northern European codicology. A comparison with other areas, particularly those that once belonged to the Hanseatic League, would probably contribute to the understanding of the materiality and design of the Swedish books.

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<sup>22</sup> On continental bindings see MAZAL: 1986 and SCHNEIDER: 1999.

<sup>23</sup> LINDSKOG MIDTGAARD: 2005, 59.

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PER ANDERSEN  
The Power of the Law:  
Danish Legal Manuscripts, Legal Culture  
and the Power of the Book

Over the last 20 years a new paradigm for understanding the Danish provincial laws has arisen. The starting-point of the traditional paradigm is the popular-democratic idea that the provincial laws were based on the will of the people and were autonomous units, the ideology of which was an expression of that will. The new paradigm sees the provincial laws as an expression of contemporary power politics and confrontations. The difference between these two approaches is considerable and has methodological consequences which reach far beyond the question of the genesis of the provincial laws: they revolve around the question of whether, and to what degree, the provincial laws reflect new rules at the time of their composition, or whether they reflect older rules which were once orally transmitted. In both cases, these laws were committed to writing in the wave of codification that gripped large parts of Europe in the early decades of the thirteenth century.<sup>1</sup>

The central idea of the traditional paradigm is that from the oldest times to the High Middle Ages the idea and conceptualization of law was given expression through the decisions in the meetings of the *ting* (the court which functioned as a political assembly and the place from which to get information about new laws), and only subsequently through the writing of agreed legal norms into provincial law-books. Accordingly, the contents of the provincial laws must have reflected a particular local Danish way of making law, and it must have been difficult to alter the law since it was based on enduring perceptions of what was right and proper. The exponents of this theory presume that medieval law was based on the idea that ›old law was good law‹ and therefore, they argue, there was a reluctance to create new laws. As a consequence, many Danish legal historians have considered linguistic and structural variants in the provincial laws either as misreadings, mistranscriptions or small and insignificant

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1 WOLF: 1981.



changes, or as remnants of older law which were repeatedly and uncomprehendingly copied despite being no longer part of the current law.<sup>2</sup>

The central idea of the new paradigm is that the textual variants in the manuscripts are deliberate modifications of particular rules. These modifications might have been instigated by the Church, the king, local noblemen or people, and were dependent both on the power each of these actors had in the provinces and on the success of their interaction. Inspired by international studies,<sup>3</sup> the proponents of the new paradigm study legal similarities and differences based on the ideological differences found in different spheres of medieval society. As a result, they reject the idea of a ›passive medieval man‹, who unquestioningly obeyed authority, and argue that, like modern man, the different actors in medieval society employed more or less conscious strategies to achieve their aims or advance their ideas. Thus, they reject the idea that ›old law was good law‹ and that the different versions of the law were the consequence of misreadings. This has been shown to be the case in regard to the substantive laws<sup>4</sup> that have been analysed in the few newer studies of the Danish provincial laws, in particular the *Jyske Lov* [Law of Jutland] promulgated by King Valdemar II (reign 1202–1241) in 1241.<sup>5</sup>

In this study, I will adopt the new approach to show that the structure of the *Jyske Lov* underwent deliberate revision in the first hundred years after its promulgation. I will argue that this was possible due to an active legal culture with the ability and willingness to transform the law. I will also show that those who were involved in the legal culture of the thirteenth and fourteenth centuries understood the possibilities of action and interaction with the law which the book allowed them. I will argue that this is seen in the willingness to collate the law texts or divide them into smaller units; a phenomenon known from other literate genres.<sup>6</sup>

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2 HOFF: 1997. For further information about these paradigms, see ANDERSEN: 2011, 37–49.

3 See e.g. KRAUSE: 1958; HELLE: 1997; WINROTH: 2000; ECHEVERRIA: 1997; *Die Konstitutionen Friedrichs II*: 1996.

4 That is, not procedural rules, but legal rules and principles that must be followed in decisions of legal cases.

5 See especially GELTING: 2003; RIIS: 2004; ANDERSEN: 2006; VOGT: 2010.

6 BRUHN: 2005.

### Different Versions: The Manuscripts of the *Jyske Lov*

Among all Danish medieval texts, the *Jyske Lov* is the one with the greatest number of surviving manuscripts, approximately 160 in Danish, 70 in Old High or Low German, and 11 in Latin, dating from the late thirteenth century until well into the seventeenth century.<sup>7</sup> The law is also found in scattered fragments and there are references to now lost manuscripts. This large number is probably due to the high reputation of the *Jyske Lov* among the Danish legal provinces in the Late Middle Ages.<sup>8</sup> In fact, only 16 of these manuscripts date from the thirteenth and fourteenth centuries, of which one contains only the famous preface and one consists only of fragments.<sup>9</sup> Thus, there are only 14 manuscripts containing the *Jyske Lov* from the centuries immediately following its promulgation in 1241.

The most extensive scholarly edition of the *Jyske Lov* is found in the second volume of *Danmarks gamle Landskabslove med Kirkelovene* (hereafter *DGL*) which provides variants from several manuscripts. The manuscripts are grouped together partly according to structural characteristics of the text such as number and arrangement of articles,<sup>10</sup> and partly according to syntax and morphology. One should not attach too much importance to orthography, since varying spellings of the same word in a given manuscript are common in the Middle Ages.<sup>11</sup> Instead, the focus will be on the differences, the common ›errors‹, which are used to establish relationships among the manuscripts. The goal of this text-critical and genealogical method (known as ›Lachmann's method‹) is to find the archetype, that is, the text that is as close as possible to the original *Urtext*.<sup>12</sup> If two or more manuscripts have the same significant ›errors‹, they presumably stem from the same source manuscript (which may lie between them and the original text) and it is thus possible to make a stemma to show the relationships of the surviving manuscripts.

7 *DGL* II, xlvi–liv.

8 See JØRGENSEN: 1941; OLSEN: 1983; TAMM: 1983; DÜBECK: 1992.

9 *DGL* II, xlvi–liv.

10 In most of the manuscripts of the *Jyske Lov*, the text is divided into three Books (›bøger‹; sg. ›bog‹), which are divided into smaller units which will be called ›articles‹ (›kapitler‹; sg. ›kapitel‹).

11 KARKER: 1991, 126 and 132.

12 TIMPANARO: 2005.

The dating of medieval Danish manuscripts is mainly based on external historical criteria, such as the place where the manuscript was written down, the scribe who wrote it, or palaeographic characteristics. The latter are particularly important when the former is not possible.<sup>13</sup> The scarce background information explains why some of the manuscripts of the *Jyske Lov* have their dating revised on palaeographic grounds in the period after the publication of *DGL*;<sup>14</sup> the revised dating of Holm C 37 to c. 1276 by Thomas Riis is especially important.<sup>15</sup>

Based on the classification of the manuscripts published in *DGL* (that is, taking the new dates into account), it is possible to propose the following, in which the texts from the oldest manuscripts fall into three main groups:

Manuscripts	Date	Signature in DGL II
AM 4 4to	c. 1300	A <sup>3</sup>
NKS 295 8vo	c. 1325	A <sup>1</sup> (text 1)
Holm C 40	c. 1325 <sup>16</sup>	B <sup>7</sup> (I <sup>5</sup> )
AM 453 12mo	c. 1325–1350	B <sup>1</sup>
Holm C 63	c. 1325	A <sup>2</sup>
Ledreborg II 4to	c. 1300–1350	(Latin translation)
AM II 8vo	c. 1300–1400	(Latin translation)

Table 1. The AB-Group.

Manuscripts	Date	Signature in DGL II
AM 286 fol.	c. 1300–1320 <sup>17</sup>	I <sup>6</sup> (F)
Holm C 39	c. 1325	I <sup>1</sup>
Holm C 40	c. 1325 <sup>18</sup>	I <sup>8</sup> (B <sup>17</sup> )
AM 19 8vo	c. 1300–1400	I <sup>7</sup>

Table 2. The I-Group.

<sup>13</sup> See *DGL* II, xlv–xlviii; BRØNDUM-NIELSEN: 1943; KROMAN: 1943.

<sup>14</sup> Especially *ibid.*, 56–58.

<sup>15</sup> RIIS: 1977, 60–65; see SKYUM-NIELSEN: 1980, 531; ABITZ and ØRBERG: 1991, 23.

<sup>16</sup> The first part of Book II, up to article 62, conforms to the AB-group and the second part to the I<sup>b</sup>-group.

<sup>17</sup> The second part of Book II, from article 21 onwards, conforms to the I<sup>b</sup>-group, while the language in the first part belongs to the middle group.

<sup>18</sup> See footnote 14.

Manuscripts	Date	Signature in DGL II
Holm C 37	c. 1276	D <sup>i</sup>
Flensburg Stb 1	c. 1300	E
AM 286 fol.	c. 1300–1320 <sup>19</sup>	F (F <sup>6</sup> )
Holm C 44	c. 1325	C <sup>i</sup>
GKS 3657 8vo	c. 1350	G

Table 3. The Middle-Group.

I shall discuss the characteristics of these three groups before considering the power of the law in thirteenth- and fourteenth-century Denmark.

### The AB-Group

The vast majority of the approximately 240 surviving manuscripts belong to the AB-group (Table 1). The AB-text is characterized by archaic linguistic forms (the most prominent feature of the group) and the same textual structure, which displays a greater number of articles than the other groups.<sup>20</sup> *DGL*'s basic text (text 1) of the *Jyske Lov* comes from this group, and thus the number of articles and their arrangement within three books that is found in the AB-group 33 are adopted by most studies of the law.

The most distinctive manuscript in the AB-group is Holm C 40, which changes from the AB-text to the I-text at article 62 in Book II. The AB-group is also linked to the Latin translation of the law which is found in Ledreborg II 410 (c. 1300–1350) and AM II 8vo (c. 1300–1400). These two translations follow the article division in the AB-text closely, especially articles 48 and 49 in Book II.<sup>21</sup> As this also seems to be the case in *Thord's Articles*, a supplement to the law from c. 1300, and in Bishop Canute's *Glosses* from c. 1450,<sup>22</sup> it is possible that the AB-text had considerable authority from c. 1300 at the latest. This version was also used in the first printed edition of the *Jyske Lov* in 1504.<sup>23</sup>

<sup>19</sup> See footnote 14.

<sup>20</sup> See *DGL* II, li–lxx.

<sup>21</sup> On these manuscripts see *DGL* IV, i, v–ix and xii–xiv.

<sup>22</sup> On the manuscripts of *Thord's Articles* and *Canute's Glosses*, see *DGL* IV (Tillæg), xxv–xlvi. Although *Thord's Articles* are dated to c. 1300, their oldest manuscripts are from the fifteenth century.

<sup>23</sup> See *DGL* II, iv–v.

### The I-Group

The text in the I-group (Table 2) is completely different from the text in the AB-group. The I-text conflates corresponding articles in the AB-text according to thematic coherence and is thus arranged into considerably fewer articles. It also omits repeated explanations and sentences in the text and provides clarifications at various points. Moreover, as the editor of *DGL*, Peter Skautrup, points out, the text has gone through »en overordentlig gennemgribende redaktion i syntaktisk henseende«;<sup>24</sup> in contrast with the archaic AB-text, the language of the I-text has undergone modernization.<sup>25</sup>

According to Skautrup, the I-text may have been edited in two stages, as the I-manuscripts fall into two philological subgroups: I<sup>a</sup> and I<sup>b</sup>. The I<sup>a</sup>-subgroup consists of only one manuscript, Holm C 39 (c. 1325), the text of which seems to be a later and slightly revised version of the I<sup>b</sup>-text. The I<sup>b</sup>-subgroup consists of AM 19 8vo and the second halves of AM 286 fol. and Holm C 40; the first halves of these two manuscripts display, respectively, a dialect form and the AB-text.

According to Skautrup, the I<sup>a</sup>-text adheres to the ›normal‹ Danish dialect, that is, the dialect found in the province of Zealand which also characterizes the AB-text. In contrast, the language in the I<sup>b</sup>-text seems to stem from the Southern part of Jutland with the borough of Ribe as its northernmost point.<sup>26</sup> Skautrup claims that the I<sup>b</sup>-text reflects a more original version from Jutland than the I<sup>a</sup>-text, but according to later linguistic research one cannot clearly distinguish between the dialects in Jutland and Zealand c. 1300. There was probably a clear dialectal dividing line through the Sound between Zealand and Scania, but that was not the case in other parts of the country. Thus, one cannot argue that the two fundamentally different versions of the I-text come from different parts of the kingdom.<sup>27</sup> Danish scribes were heavily influenced by Latin and followed Latin conventions while writing in Danish, especially legal texts; the use of main and subordinate clauses in Latin allows for greater

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<sup>24</sup> *DGL* II, cxvi. [an extremely thorough editing concerning the syntax]. All translations are by the author, unless stated otherwise.

<sup>25</sup> See *ibid.*, cv–cxvi.

<sup>26</sup> *Ibid.*, lxxxviii–xcv, xciv–xcvi.

<sup>27</sup> WELLEJUS: 1972, 13–17, 35, 39–40, 46, 53, 58, 66, 122, 138; DIDERICHSEN: 1971, 79–90.

word density in a single sentence.<sup>28</sup> This would not mean that Danish legal terminology was Latinized,<sup>29</sup> but that the linguistic structure of the legal texts was highly influenced by the linguistic principles of Latin.

Michael H. Gelting argues that the transition from one version to another demonstrates the authority of the new version. He suggests that the I-text had a certain authority when it suddenly superseded the AB-text in the first quarter of the fourteenth century, as seen in the manuscripts AM 286 fol. and Holm C 40. This conforms with the fact that the I-version of the *Jyske Lov* is found in several manuscripts which also contain the provincial laws of Zealand, and it may indicate that the I-text was edited in a supraregional environment and was intended to be used, for example, by the royal court. The I-text eventually superseded the common AB-text which would have been found mainly in the regional milieu of Jutland.<sup>30</sup> It must be noted that the *Skånske Lov* [Law of Scania] does not appear alongside other provincial laws in early manuscripts, and that the AB-text also appears alongside the laws of Zealand in Holm C 63 (c. 1325); but this is a single manuscript with the AB-text, against several manuscripts that contain the I-text. It is possible that the change from the AB- to the I-text in the two manuscripts containing the *Jyske Lov* was caused by the use of defective sources. However, as the I-text begins to appear in (supraregional) manuscripts, which are dated to the same period of time when the scribes working on the manuscripts AM 286 fol. and Holm C 40 changed from the AB-text to the I-text, it is plausible that the I-text was then recognized as a new, and to some degree authoritative, text.

### The Middle Group

In between the AB- and I-group there are five textual variations, each occurring in a single manuscript from before 1400 (Table 3). Despite differences, and in clear contrast to the AB-text, the article divisions in these five versions are closer to that in the I-text.<sup>31</sup> Foremost among this group is the oldest manuscript containing the *Jyske Lov*, Holm C 37, which has been more recently dated to c. 1276, and was most probably written by the

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<sup>28</sup> Ibid., 95–98.

<sup>29</sup> TAMM: 1991b.

<sup>30</sup> GELTING: 2003, 66.

<sup>31</sup> DGL II, xc; *Codicem Holmiensem C 37*: 1973, viii.

royal scribe Thomas G.<sup>32</sup> However, Skautrup dates this manuscript to c. 1350 and claims that its version of the *Jyske Lov* has been carelessly reproduced, although, he admits, it may have been copied from a significantly older manuscript because of its special linguistic forms; these forms seem to have disappeared from the written language during the thirteenth century.<sup>33</sup>

The middle group also contains the peculiar Flensborghåndskrift, Flensburg Stb 1, from c. 1300.<sup>34</sup> The text in the Flensborghåndskrift has many textual errors, and the Preface, article headings and article numbers are clearly later additions; in the other manuscripts containing the *Jyske Lov*, article numbers, headers and table of contents are written by the same scribe who wrote the main text.<sup>35</sup> While in other manuscripts the text is divided into three books containing articles which are numbered at the beginning of each book, the articles in the Flensborghåndskrift are continuously numbered from Book I to the middle of Book II, at which point the numbering stops.<sup>36</sup> The dialect in the Flensborghåndskrift clearly differs from the language known from both Jutland and Zealand, and displays a distinct character from the southernmost part of Jutland.<sup>37</sup>

AM 286 fol. (c. 1320),<sup>38</sup> a manuscript from the Ribe diocese, also belongs to the middle group and may have been copied from the same original as the Flensborghåndskrift.<sup>39</sup> There are linguistic similarities between these two manuscripts and in some cases even with Holm C 37.<sup>40</sup> As mentioned above, the text in AM 286 fol. suddenly changes from the middle group to the I-group; since article headings were usually inserted *after* the whole text had been written down, and since the I-version had fewer article

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32 SKYUM-NIELSEN: 1980, 531. Pictures at <http://www.kb.dk/permalink/2006/manus/41/dan/> (last accessed on 4 February 2014).

33 *DGL II*, xxv–xxvi, xxxix, lxxiv–lxxv.

34 WEEKE: 1905, 196; KROMAN: 1943, 56–57.

35 *DGL II*, 507–529. On the preface, see *ibid.*, xxxviii–xli.

36 *Ibid.*, xxi–xxii, xxxix, xlix, lxxv–lxxvi; ABITZ and ØRBERG: 1991, 25.

37 DAHLERUP: 1909, 42–45; KARKER: 1991, 124; ABITZ and ØRBERG: 1991, 25.

38 SKAUTRUP: 1933, 9.

39 DAHLERUP: 1909, 41 but not supported by Skautrup in *DGL II*, cxxviii.

40 *DGL II*, lxxviii; ABITZ and ØRBERG: 1991, 26.

headings than the middle version, article 26 in Book I and articles 7 and 19 in Book II do not have headings.<sup>41</sup>

Skautrup characterized the text in Holm C 44 (c. 1325) as a careless copy.<sup>42</sup> Holm C 44 was subsequently used as the original for most of the manuscripts in what Skautrup classifies as the C-group, which is closer to the I-version because the text is divided into fewer articles than in the AB-version.<sup>43</sup> GKS 3657 8vo (c. 1350) is also closer to the I-group with regard to article division but has some linguistic characteristics which occur both in the I-version, and in the middle version as it appears in the first part of AM 286 fol.<sup>44</sup>

Based on the dating of the manuscripts in the three groups, and Holm C 37 in particular, it seems that the middle group reflects the oldest version of the text, while the I-version can be considered as a linguistic modernization of the text from the first quarter of the fourteenth century and as particularly authoritative, at least in ecclesiastical circles of the bishopric of Ribe.

The AB-version, on the other hand, has a general tendency to use conservative and archaic linguistic features; while some scribes tried to modernize the language, others seem to have tried to return to archaic forms. The use of conservative linguistic forms was a common feature in legal texts of this period. According to recent linguistic research, the presence of archaisms in Danish medieval legal texts does not necessarily mean that they are older than those which display linguistic modernization; accordingly, the AB-text could be from about the same period as the I-text.<sup>45</sup> This is in agreement with the dates of the different manuscripts: the linguistically conservative and archaic AB-text does not seem to be older than the more modern I-text. In addition, there are significant differences between the AB-text and the text in Holm C 37, the oldest manuscript containing the *Jyske Lov*,<sup>46</sup> which suggests that some time elapsed between the editing of the AB-version and the Holm C 37-version.

41 *DGL* II, xvi, liv; ANDERSEN: 1933, 8. Article 39 in Book I is not found in the I-manuscripts, see *DGL* II, 92; GELTING: 2003, 65, n. 85.

42 *DGL* II, xxvi, lxxi; ABITZ and ØRBERG: 1991, 27–28.

43 *DGL* II, lxxi; *Codicem Holmiensem C 37*: 1973, x.

44 *DGL* II, xxii, lxxviii–lxxvix.

45 BJERRUM: 1960, 211–213; BJERRUM: 1967, 63; DIDERICHSEN: 1971, 76, 94; WELLEJUS: 1972, 79, 83; DIDERICHSEN: 1937–1938; see also the example in *DGL* II, xcvi–cxix.

46 RIIS: 2004; ANDERSEN: 2010, 32–33.



## The Oldest Manuscript: Holm C 37

The text of the *Jyske Lov* in Holm C 37 has been altered several times since it was written down in *c.* 1276. According to Skautrup, the later additions, erasures and corrections date from the fourteenth to the sixteenth centuries.<sup>47</sup> Among other things, corrections have been made to the article numbers. The numbers of several articles have been replaced with new numbers by later hands. According to the original numbering and article division, Holm C 37 consists of three books containing 55, 68 and 60 articles respectively.<sup>48</sup> New numberings and some few horizontal lines indicate that some of the original articles were later divided into smaller units, altering the number of articles to 57, 67 and 115 articles respectively.<sup>49</sup> Interestingly, the revised article division that was carried out across three centuries is almost consistent with the numbering in the AB-text; that is, the text was altered in order to make the text in Holm C 37 conform with the AB-text.<sup>50</sup>

If the AB-text is the original text of the *Jyske lov*, as Skautrup suggests in *DGL*, could it be possible that the structure of the AB-text was altered in the period between 1241 and *c.* 1276 to that in Holm C 37? This hypothesis cannot be dismissed, and if that is the case, the alterations must have been the result of deliberate editing, not of passive transcription, given that the manuscript was written by the royal scribe Thomas G. Could it then be possible that a scribe changed this altered version back to its original form from the fourteenth century onwards? In other words, is it possible that the AB-text – assuming it was the original text from 1241 – was re-structured within three decades after its promulgation, and half a century

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47 *Corpus X*, vii.

48 Several article numbers are missing because of the crude binding, but these are the total numbers found in the Table of Contents at the beginning of Holm C 37; see ff. 1r–3r. This is confirmed by a random test, see e.g. Book II, articles 24 or 72 (ff. 27r and 37r) or Book I, articles 42 and 43 or 44 and 45 (ff. 17r and 17v).

49 *Corpus X*, ff. 21r, 47r and 64v.

50 The later revision of the article structure can be seen at several points: ff. 17r and 17v (Book I, articles 42–43 and 44–45); ff. 22r–v, 23r, 24v, 28v, 29r, 30r–v, 31r–v, 32r–v, 33r, 34r, 35r, 37v, 38r–v, 39r–v, 40r–v, 43v, 44r and 45v (Book II, articles 4–5, 6–7, 8–9, 14–15, 29–30, 34–35, 39–40, 41–42, 45–47, 48–49, 50–51, 53–54, 57–58, 61–63, 65–66, 73–74, 75–76, 77–78, 79–80, 83–84, 86–88, 98–99, 100–101 and 106–108); ff. 47v, 50r–v, 53r, 55r, 57r, 58v and 62r (Book III, articles 1–2, 12–15, 17–18, 27–28, 35–36, 44–45, 48–49 and 58–59). See the Table of Contents at the back of *DGL II*; and Figs. 8 and 9.

later began to be restored to its original structure? It is unlikely. First, there are no other examples of such a development in the Danish manuscripts. Second, parchment was not prohibitively expensive in the thirteenth and fourteenth centuries, so there was no need to reuse the same parchment again and again.<sup>51</sup>

Based on the dating of the manuscripts, on the linguistic characteristics of all versions, and on the linguistic developments in Denmark in the thirteenth and fourteenth centuries, the most plausible explanation about the manuscript tradition of the *Jyske Lov* is that Holm C 37 and the other manuscripts in the middle group roughly reflect the initial version of the law promulgated in 1241. GKS 3657 8vo has some linguistic characteristics in common with AM 286 fol., while the Flensborghåndskrift, AM 286 fol. and Holm C 37 may have been based on the same original, because they have several linguistic similarities. The only arguments against this thesis would be the archaic linguistic forms in the AB-version and the fact that the structure of the AB-version is more consistent in the different manuscripts. As already mentioned, the former is not a strong argument, and the latter may as well be turned on its head. Would it not be more plausible that the more consistent versions reflect a later and better-educated legal culture, with a focus on consistent versions of the law, as is the case with the I-version? The evidence points towards this interpretation.

It thus seems that there was some uncertainty about the exact wording and structure of the *Jyske Lov* in the decades following its promulgation in 1241. Such uncertainty was not surprising in contemporary Europe, as is attested by the collection of the Aragonese laws, known as *Fueros*, from the thirteenth and fourteenth centuries.<sup>52</sup> The *Constitutions of Melfi* of Emperor Frederick II for his kingdom of Sicily (King of Sicily 1198–1250, Emperor 1220–1250) do not seem to have been presented in an official version as it was a unilateral royal legislation.<sup>53</sup> Such problems are also known in Roman Law, both with regard to manuscripts of classical Roman law and Gratian's *Decree*, which existed in many different versions despite its use as the first authoritative collection of Canon Law.<sup>54</sup>

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51 CLANCHY: 1993, 119–123; BRØNDUM-NIELSEN: 1943, 3–4.

52 ECHEVERRIA: 1997.

53 *Die Konstitutionen Friedrichs II*: 1996.

54 LANGE: 1997; WINROTH: 2000.

	Welch barn erua skal i	af man quennis i rudi do
	hwat then skal seghe	vm floveferdom.
	der barn döper. ij.	fader ene ma sie barn goda. r.ij.
iii	af konn sighe sic wære mar	hwat er af skal kreues og gall
iiii	hwa næt er at erua. (Baria m)	om ma sighe i rudi do
v	hwer mykat hwer taket u	om ma döruis i rudi do
vi	af arua.	hwa lege ma ma sighe sighe
vii	hwer boscap skiftes ther er	hwa werte ma wære. r.ij.
viii	farbar ma ei halde	ther konn ma denne barn og
ix	hwer mat theta merthen.	vm hppfader og hppborn. r.ij.
x	Brotar ma ei halde sighe	therse mughe ei wære wære.
xi	mer sic vgeft merthen hawon.	vm der sighe. r.ij.
xii	af barn i özi fellag.	hwer ma skule quennis. r.
xiii	vt w arning.	hwa iot ma af hunda. r.ij.
xiiii	hwate ene samstken erua	vm konn iot. r.ij.
xv	meta then aur.	hwer gamalt barn ge ma
xvi	Bonde om i salg har	hwate iot. r.ij.
xvii	folore	af hunde. r.ij.
xviii	hwat fader tharf sel sit barn	skal kopas. r.ij.
xix	vm heimferch.	hwiler things wære. r.ij.
xx	af fiskan karler a minnet at	af mat sel sit iot wære.
xxi	ther hauer fanget wære.	ei lang i iot. r.ij.
xxii	ther atf beret atf.	hwa sel vhemal. r.ij.
xxiii	af hppfisker skal vm boscap	skal man vm kopas iot. r.ij.
xxiiii	hwerer quenne met andre	hwate then skulle iot wære.
xxv	giken i fellag.	vm amitt. r.ij.
		af thops mare skal wære. r.ij.

Fig. 8. Holm C 37, f. 1r, c. 1276. Table of Contents preceding the text of the *Jyske Lov* in Holm C 37 and showing numberings and article headings in younger hands.

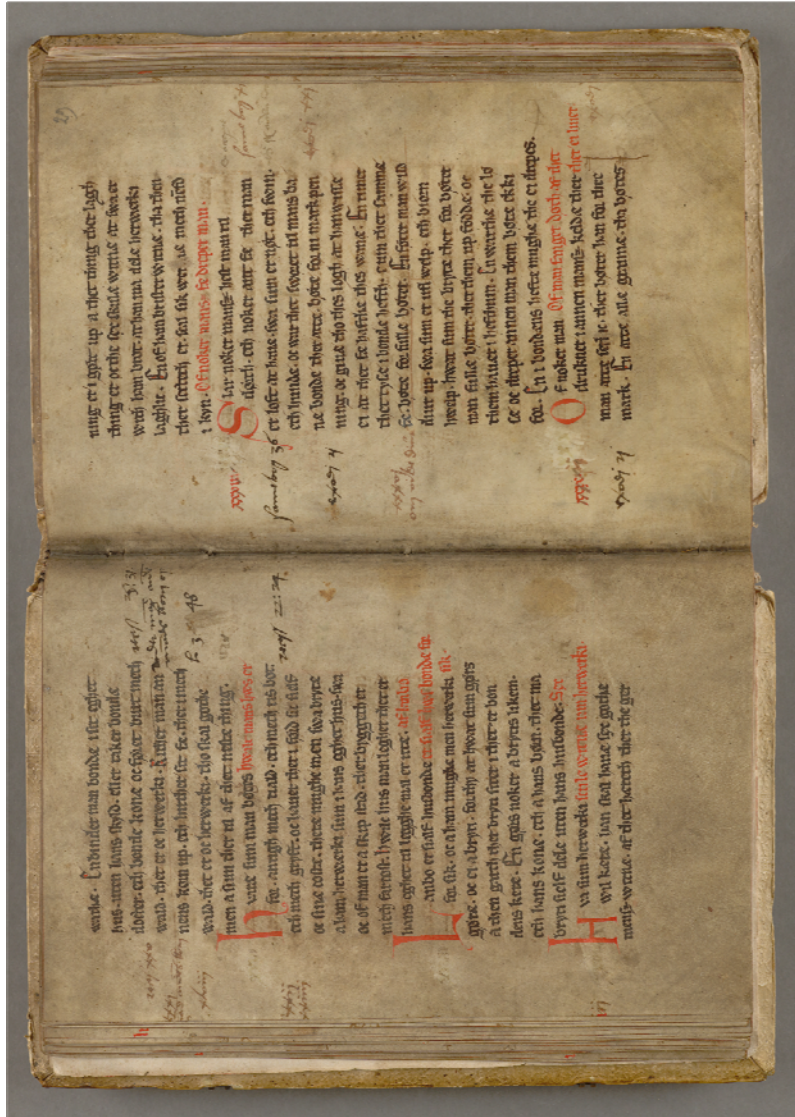


Fig. 9. Holm C 37, ff. 28v/29r, c. 1276. Marginal annotations in Holm C 37, showing a continuous preoccupation with the textual structure of the law throughout the Middle Ages.

Thus, a certain degree of linguistic uniformity in medieval legal texts cannot be taken as indicative of a given date or of proximity to the original.

If there were doubts about the exact wording and technical terms in the *Jyske Lov*, it is possible that the law eventually became so uncertain that the king was forced to draw a consistent text. Given the dating of the manuscripts, and the authority that seems to have been attributed to both the AB-text and the I-text, it is very likely that, in one form or another, both versions were the result of such work. The AB-text was the version used for the Latin translation of the law and it was linked to the supplement in *Thord's Articles* from c. 1300; the I-text was used at approximately the same time as a new authoritative model for scribes, especially those who were in touch with the bishopric of Ribe in Southern Jutland.

Such editorial re-working of the law might have happened in 1282, when King Eric V Klipping (reign 1259–1286) signed the first *Handfeste* (similar to the English *Magna Carta*), which emphasized that Denmark was comprised of several autonomous legal provinces. Thus, the linguistically-archaic AB-text could indicate that the king had been requested to replace the disparate versions of the *Jyske Lov* with a more consistent version. The archaism of the language could have served different purposes, for example, to indicate a certain antiquity and thus greater authority, reflecting the ›original‹ law of 1241, and to keep the conservative language which was known to the inhabitants of the province of Jutland. It is also possible that these editors of the law divided the text into smaller articles in order to make each article more manageable and hence more understandable to those not learned in the law. At the same time, significant changes were made to the criminal law and laws of legal procedure, such as the mitigation of the harsher punishments found in Holm C 37 and the emphasis on the duty of the jurors, who were appointed by the king, to ensure that their decisions were in accordance with the opinion of the local people.<sup>55</sup> These two substantial amendments point towards a new balance of power between the king, ›giver‹ of the law, and the local people, ›users‹ of the law. The second edition, the I-version, could be the result of the revision work initiated in the early fourteenth century which, among other things, complemented the *Jyske Lov* with the rules and clarifications found in the *Thord's Articles*. The revision was probably initiated by King Erik Menved (reign 1286–1319) as part of a larger legal re-

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<sup>55</sup> RIIS: 2004; ANDERSEN: 2010, 32–33.

form, which also included linguistic modernization and, to some extent, a substantial update of the *Jyske Lov*. This revision produced yet another structure for the *Jyske Lov*, with fewer articles; the editors compressed the articles in order to conform the text to the standards of Roman law. The structure gave this version of the law a certain authority, which may explain the changes found in AM 286 fol. and Holm C 40, but it also resulted in some linguistic compression and thus this version was less comprehensible to the layman. It was the first edition, the AB-text, which was most often used afterwards as the basis for further editions, Latin translations or glosses.

#### The Amendments to the *Jyske Lov* in 1241–c. 1276

Michael H. Gelting has convincingly argued that the *Jyske Lov* was not originally as extensive as it appears in the extant manuscripts.<sup>56</sup> Gelting's argument is based on the substantial differences found in two articles which deal with the same subject; he argues that these articles could not have been written down at the same time. Article 39 in Book I and article 45 in Book III deal with evidence and legal procedures in relation to objections to *frank almoin* [free alms]. Both articles are found in the AB-group and in the middle group, but not in the I-text. This indicates that the editors became aware of the contradictions between the two articles when revising the law, and thus omitted article 39 from Book I and kept article 45 in Book III, to reflect the newest rules on the subject. Assuming that the articles were composed and/or written down in chronological order, Gelting argues that article 45 in Book III and all the subsequent articles had not been composed when article 39 in Book I was composed in 1241. In addition, Gelting notes, article 38 in Book III seems to fall outside the substantive textual structure of the *Jyske Lov* – a structure based on arranging the provisions according to the type of court procedures. Thus, Gelting argues, the *Jyske Lov* originally consisted only of the first two books and the first 37 articles of the third book. Articles 38–67 in Book III, and an article on witchcraft added somewhat later, were not part of the original text, but were added sometime between the promulgation of the law in 1241 and the drawing up of Holm C 37 in c. 1276.

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<sup>56</sup> GELTING: 2003, 61–67.

As mentioned above, this interpretation of the manuscripts and contents of the *Jyske Lov* is plausible, as similar circumstances are known from other contemporary laws, such as the *Fueros de Aragón* and the *Constitutions of Melfi*, both of which were comprehensively amended in the decades following their promulgation. That is also the case with another Danish provincial law, the so-called *Eriks Sjællandske Lov* [Eric's Zealandic Law]. On a previous study, I have demonstrated that this law was drawn up in (at least) three stages between the 1240s and the late thirteenth century.<sup>57</sup> The continuous annotation and the rethinking of its textual structure, the linguistic revision and modernization which are seen throughout the manuscripts of the *Jyske Lov* seem to tell us that the law was widely discussed, edited and amended.

### Concluding Remarks

The analysis of the extant manuscripts of the *Jyske Lov* has shown that the law was under constant development in the thirteenth and fourteenth centuries with regard to article structure, linguistic forms and contents. What does this tell us about the legal culture of medieval Denmark and about the power of the written law in the thirteenth and fourteenth centuries?

First, it seems that there was widespread willingness to revise the written law (both its contents and structure), with the aim of making it more understandable to more people, or of restructuring it and modernizing its language to fulfil the needs of more legal-minded (and educated) people. Second, the different editions were the results of deliberate revisions of the text, and not the results of passive transcription. Third, there seem to have been people in medieval Denmark who were well acquainted with Roman Law and Latin. Fourth, although the king issued the *Jyske Lov* in 1241, it seems that a uniform version did not develop in the following half-century. It was only later that a more uniform edition, or rather two more uniform versions, saw the light of day. Until then, the lack of a uniform version does not seem to have been a problem, which is consistent with the political situation in the decades following the death of King Valdemar II.

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<sup>57</sup> ANDERSEN: 2006, 152–169.

Two conclusions may be drawn from these remarks. One must dismiss the idea that people in the Middle Ages, at least from the thirteenth century onwards, were keen on ›the good old law‹ to the point that they reacted negatively to attempts to change it. On the contrary, the law, even the written law, was alive and people valued it because it could be used to resolve some of their problems. People were not so different from what we are today.

Moreover, the written laws were used. They were not just books for display. This literacy is the main difference between the Early and High Middle Ages, at least when it comes to law. In the Early Middle Ages, law-books were mainly produced to demonstrate the power of the king, emperor or prince, but in the High Middle Ages they were produced to be used, as a tool to communicate what the state of law was to the people ruled by the law-giver. I do not argue that the local or regional nobles, the clergy or even the common people, had no saying in the making of the laws or that the laws did not contain old and new rules. Law-books were not just used as symbols of social hierarchy but as legal tools, a technique, an instrument in the territorial state-building which began at this time. Thus, the law, the book, began to be powerful not just by being produced, but by being used.



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PATRICIA PIRES BOULHOSA

## Layout and the Structure of the Text in Konungsbók

One striking characteristic of Konungsbók (GKS 1157 fol., c. 1250),<sup>1</sup> a manuscript of *Grágás*, is the number of sixteenth-century marginal comments, annotations, numeration, rubrics and signs that it contains, witness to the efforts of Humanist scholars to make sense of, and systematically arrange, the text of the manuscript. To some extent, the layout of Konungsbók follows that of other European legal manuscripts that were used for both study and work: large format, a text laid out in double columns, uniformity of script and common ancillary features, such as large initials and rubrics, to mark parts of the text. But even though Konungsbók's *mise-en-page* gives it (at least at first sight) the appearance of a code of law – that is, a systematic collection of laws or statutes – the text of the manuscript as a whole does not have a clear systematic structure, or even a discernible set of divisions. This article will analyse some features of the layout of the manuscript, especially the use of initials, in order to throw some light on the making of the manuscript itself. It will try to understand the scribes' arrangement and grading of initials, their use of rubrics and blank spaces, and will look for connections between layout and textual structure. It will finally consider, on the basis of the analysis of the layout, what kind of sources the scribes might have used to write the manuscript.

The main feature of the layout of Konungsbók that is used to create divisions in the text are initials of several grades and degrees of elaboration, supplemented by the use of rubrics. As these features are not structured in an unambiguous or rigid way, editors of the manuscript have striven to understand how best to interpret them. A 1829 edition of *Grágás*, for example, analysed the use of large initials and rubrics to identify parts of the text, but also focused on the use in the rubrics of certain terms such as *þáttr* and *bálkr*, which are employed in the manuscript with the meaning of ›part‹, ›section‹.<sup>2</sup> In the 1852 edition of the manu-

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<sup>1</sup> The dating of the manuscripts in *Ordbog over det norrøne prosaprog. Registre* is adopted in this article unless stated otherwise.

<sup>2</sup> SCHLEGEL, ÞÓRÐUR SVEINBJÖRNSSON and PARDESSUS: 1829, XLVII–IL. The editors then conflated the text with that of another manuscript of *Grágás*, *Staðarhólsbók*, and produced a re-structured text which has as its foundation the idea of a complete law-code.

script, Vilhjálmur Finsen established the now-canonical textual structure of fifteen sections (or chapters) divided into 268 articles (marked throughout this article as §) that has been adopted by most modern scholars.<sup>3</sup> Table 1 shows Finsen's section division; the titles in square brackets do not appear as rubrics in the manuscript, but have been added by Finsen:<sup>4</sup>

Section <sup>5</sup>		Translation	Article
I	[Kristinna laga þáttur]	[Christian Laws Section]	1–19
II	Þingskapaþáttur	Assembly Rules Section	20–85
III	Hér hefr upp vígslóða	Here Begins Repercussions on Homicide <sup>6</sup>	86–112
IV	Baugatal	The Wergild Ring List	113–115
V	Lögsögumannsþáttur	The Lawspeaker's Section	116
VI	Lögréttuþáttur	The Law Council Section	117
VII	[Arfa þáttur]	[Inheritance Section]	118–127
VIII	Ómaga bálkr	Dependents Section	128–143
IX	[Festa þáttur]	[Betrothals Section]	144–171
X	Landbrigðaðáttur	Land Claims Section	172–220
XI	Um fjárleigur	On the Hire of Property	221–226
XII	Rannsoknaþáttur	Searches Section	227–233
XIII	Um hreppaskil	On Commune Obligations	234–236
XIV	-	[Miscellaneous matters]	237–254
XV	Um tíundargjald	On Tithe Payment	255–268

Table 1. Finsen's Section Division.

<sup>3</sup> The exception being the Icelandic edition by GUNNAR KARLSSON, KRISTJÁN SVEINSSON and MÖRÐUR ÁRNASON: 1992. Finsen's canonical edition of *Konungsbók is Grágás: Is-lændernes lovbog i fristatens tid udgivet efter der kongelige biblioteks haandskrift*: 1852.

<sup>4</sup> The first folio of the manuscript is heavily damaged and it is therefore impossible to check whether a rubric accompanied the first article. However, the term *Kristinna laga þáttur* is used twice in § 17 in reference to the laws recorded up to that point.

<sup>5</sup> As will be explained below, the rubrics shown here belong to the first article in each respective section. Finsen displaces these rubrics in order to create section headings.

<sup>6</sup> Hereafter, this rubric will be referred to as Section on Homicide. The rubric has been written on the last line of f. 30v, just ahead of the major initial ›Ð‹ that indicates the beginning of the Section on Homicide on f. 31r, and may not have been written by scribe B.

In the preface to his edition, Finsen says that he has added the section division to the text,<sup>7</sup> and although he does not elaborate on how he has arrived at his systematization, he includes a number of footnotes throughout the book which show that certain characteristics of the manuscript layout guided his decisions. It is possible to infer from these footnotes that the use and grade of initials played an important part in his understanding of the manuscript layout and the structure of the text.

The beginning of each of Finsen's fifteen sections corresponds to a large and/or decorated initial in the manuscript. The existence, however, of other large and/or decorated initials – which Finsen records in footnotes – suggests that he had other internal and/or external elements from which to work out his systematization. It is possible, for example, that he looked for inspiration or paradigms in the systematization of other manuscripts of *Grágás*, such as *Staðarhólsbók* (AM 334 fol., c. 1260–1270), from which he borrowed the title of Section IX, and/or of manuscripts of *Járnsíða* and *Jónsbók*. Whatever methods he used, though, some aspects of the layout of *Konungsbók* puzzled him; for example, he suggests that the scribe might have changed the layout of Section XIV, which contains articles dealing with miscellaneous matters, because these articles were material from other sections which was left over.<sup>8</sup> The assumption is that the scribe intended to create a systematic text division by subject, but as Finsen does not discuss the scribal practice in detail, it is impossible to know whether he gave greater consideration to the content of the manuscript for his systematization. Since that time, the layout of the manuscript has received little attention – perhaps because scholars have regarded it as unproblematic. Páll Eggert Ólason, for example, says that *Konungsbók* »is a fine MS., the capitals of the chapters being very large, and painted in red, green or blue colours«. <sup>9</sup> He goes on to present the text divided into fifteen sections, corresponding to Finsen's systematization. Similarly, the description of *Konungsbók* in the joint Icelandic-Danish online project, *handrit.is*, says »stórir og skrautlegir upphafsstafir í upphafi þátta«, <sup>10</sup> followed by Finsen's fifteen initials.

7 FINSEN: 1852, I, ii.

8 *Ibid.*, II, 181.

9 PÁLL EGGERT ÓLASON: 1932, 7; Páll Eggert Ólason's ›chapter‹ corresponds to ›section‹ in the present article.

10 <http://handrit.is/is/manuscript/view/is/GKS02-1157>, last accessed on 4 February 2014 [large and decorative initials at the beginning of the parts].

Finsen's systematization, however, has its problems: an analysis of the sections' contents, for example, reveals that his section division is at times unsatisfactory. In Section IV, The Wergild Ring List,<sup>11</sup> only § 113 refers to wergild; § 114 refers to truce, and § 115 to reconciliation. In Section IX, Betrothals Section, only §§ 144–163 refer to marriage rights and associated family laws; § 164 deals with horse riding, § 165 deals with liabilities and boats, § 166 with sea-going ships, § 167 with trading at ships, § 168 with ship-hauling, § 169 with witnesses for transactions, § 170 with finding of property, and § 171 with burying of property for safekeeping. In Section XIII, On Commune Obligations, § 236 deals specifically with gifts of property, and not the commune, and thus it seems to belong to the following section which deals with miscellaneous matters. In Section XV, On Tithe Payment, §§ 255–260 deal with tithe, but §§ 261–268 deal with miscellaneous religious matters such as the baptism of children, the burial of body parts, the bearing of arms in church, ordeals, priests' fees, householding on a church-farm, the bishop's permission for burials, and endowment agreements. In Section III, Section on Homicide, §§ 86–111 deal with homicide and wounds while § 112 refers to the liberation of slaves, but there is a lacuna in the manuscript which begins at § 109, and it cannot be ruled out that there was some indication in the manuscript as to the change of subject. These problems are illustrated in Table 2.

Only two scribes seem to have written *Konungsbók*. Scribe A wrote from folio 1 to 13, and scribe B wrote the remainder of the manuscript.<sup>12</sup> The manuscript as a whole has a single style of layout, although scribe B wrote the words more tightly to fit more text onto the page and, to the same end, adopted slightly different conventions in relation to the use of some initials which will be discussed in detail below.

The text of *Konungsbók* is divided into two columns of 35 lines each. The column layout provides two margins (to the left of the first column, i.e. the inner margin, and to the left of the second), around which features of layout can be added to enhance the visualization and organization of the text. Combined with other features of layout, such as rubrics and paragraphs, initials of several types and grades are used to create text

11 »Baugatal«; *baugar* (plural; singular *baugr*) were rings used as a form of payment, or wergild.

12 It has been generally accepted that the manuscript was written c. 1250. WIDDING: 1961, meanwhile, argues that hand A is later than hand B, and dates hand A to c. 1300.

divisions. In Finsen's systematization, these text divisions are translated into a three-level hierarchical division which, for the purposes of this article alone, will hereafter be called sections, articles and provisions.<sup>13</sup> Finsen's sections are composed of one or several articles, which in turn are composed of one or several provisions; provisions are composed of one or more grammatical sentences.

Section	Article (§)	Article which does not belong to the section according to subject matter
I	[Christian Laws Section] 1-19	
II	Assembly Rules Section 20-85	
III	Section on Homicide 86-112	§ 112 On freedom for slaves
IV	The Wergild Ring List 113-115	§ 114 Truce speech § 115 Peace guarantee speech
V	The Lawspeaker's Section 116	
VI	The Law Council Section 117	
VII	[Inheritance Section] 118-127	
VIII	Dependents Section 128-143	
IX	[Betrothals Section] 144-171	§ 164 On horse riding § 165 On responsibilities § 166 On ocean-going ships § 167 On trading at ships § 168 [On ship hauling] § 169 [On witnesses for transactions] § 170 [On found property] § 171 On buried property
X	Land Claims Section 172-220	
XI	On the Hire of Property 221-226	
XII	Searches Section 227-233	
XIII	On Commune Obligations 234-236	§ 236 On gifts of property
XIV	[Miscellaneous matters] 237-254	
XV	On Tithe Payment 255-268	§ 261-268 [Miscellaneous church matters]

Table 2. Inconsistencies in Finsen's Section Division.

<sup>13</sup> Finsen does not use the term ›provision‹, but he does recognize smaller units of text within the articles.



This threefold division corresponds to initials which Finsen identifies in the manuscript and represents graphically in his edition. Large, decorated initials represent section divisions; for the rest of this article, these initials will be called major initials. Smaller initials identify the beginning of articles; these will here be called minor initials. Finsen represents these major and minor initials in larger, bolder letters than the rest of the text and adds footnotes about any that deviate from the »usual« [sædvanlige] grade. Grammatical sentences are identified in the manuscript by *litterae notabiliores* [notable initials], which Finsen duly reproduces, sometimes representing them in bold or in a slightly larger font, depending on what he sees in the manuscript. A fourth type of initial is noticeable only in the manuscript – hanging initials – which are a type of notable initial. There are further initials, which I will describe as borderline initials, which do not fall strictly into one of these categories; they present characteristics of initials of two categories and are therefore difficult to interpret.

Major and minor initials are sometimes supplemented by the use of rubrics: approximately 70 % of such initials are supplemented in this way. In the manuscript, all headings (rubrics) are written in red ink and there seems to be no hierarchy among them according to position, decoration or size of the script, for example. Rubrics are written closer to the right margin of a column, either at the end of a previous line of the section or article or in the first line of the section or article. In some instances, there are only blank spaces on which rubrics could have been written, but some spaces seem to have been left blank to create paragraphs. The only other conspicuous uses of blank space to mark divisions in the text occur on folios 49v, 55r and 90v, where the scribe has left respectively 12, 14 and 10 blank lines of text to start a new folio or column with a major initial. On folios 38v and 43v, two blank lines of text have been left (see below). Terms with the meaning of ›part‹ and ›section‹ are used in rubrics: *bálkr* is only used once alongside the major initial ›S‹ in the Dependents Section (f. 50r) and *þáttr* appears alongside five major initials and three minor initials.<sup>14</sup> Finsen reproduces all rubrics in his edition; but in order to identify

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<sup>14</sup> The major initials occur on ff. 9v (›D‹ in the Assembly Procedures Section), 42r (›S‹ in The Lawspeaker's Section), 42v (›L‹ in The Law Council Section), 64r (›D‹ in the Land claims Section), and 82r (›D‹ in the Searches Section); the minor initials occur on ff. 5r (›P‹ in the Priests' Section), 76r (›E‹ in the Tenants' Section), and 83r (›S‹ in the Searches Section). As mentioned in footnote 4 above, the term *Kristinna laga þáttr* is used twice

sections, he begins each article that is accompanied by a major initial on a new page, and displaces the rubrics accompanying these articles to the tops of their respective pages,<sup>15</sup> thus leaving the texts marked by major initials without dedicated rubrics of their own. Finsen's sections are not numbered, but he ascribes numbers to articles, successively, from the beginning to the end of the text.

Finsen's major initials (Figs. 10 and 11) are drawn in two or three colours, and decorated with unfurling foliate patterns drawn in one or two other colours; they mark Finsen's first hierarchical level of textual structure, or the ›section‹ level. With a single exception (the conventionally narrow initial ›J‹ on folio 89r), the bodies of all major initials are indented in the text. Depending on the shape of the letter, they have long, decorated ascenders and/or descenders, which are not indented, but run outside and alongside the column of text. They occur in at least two grades, large and small.<sup>16</sup> The initial ›S‹ on folio 44r (see Table 3 below) is missing, but Finsen takes this empty space as marking the beginning of Section VII, Inheritance Section, probably because the scribe left a space roughly approximate to that given to the other major initials – five lines to indent the letter, approximately seven letter-widths – as well as two and a half blank lines at the foot of the previous folio, in order to start the text on a new folio. It is possible that Finsen's decision was guided by something outside the visual sphere: there is a change of subject at that point from laws about the Law Council to laws on inheritance. Finsen's major initial ›M‹ on folio 77r, on the other hand, has the appearance of a minor initial (its long undecorated descender does not enhance the visual impact of its small body, 26 mm in height); it seems therefore that it was the change of subject which occurs there that convinced Finsen that a new section should begin at that point.

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in § 17. The formula ›here begins‹ in Section III also shows an awareness of textual division.

<sup>15</sup> The exceptions are Sections I, VII, IX and XIV, the first articles of which do not have rubrics. Finsen indicates in footnotes that he has added the respective titles.

<sup>16</sup> This measurement of grade takes into consideration the numbers of indented lines which the initial occupies, as well as the number of lines which the ascenders and/or descenders occupy. Finsen's small major initials range from 40 to 64 mm in height and large ones from 74 to 145 mm. All measurements were made against the facsimile edition of the manuscript (*The Codex Regius of Grágás*: 1932) to keep the handling of the manuscript to a minimum.

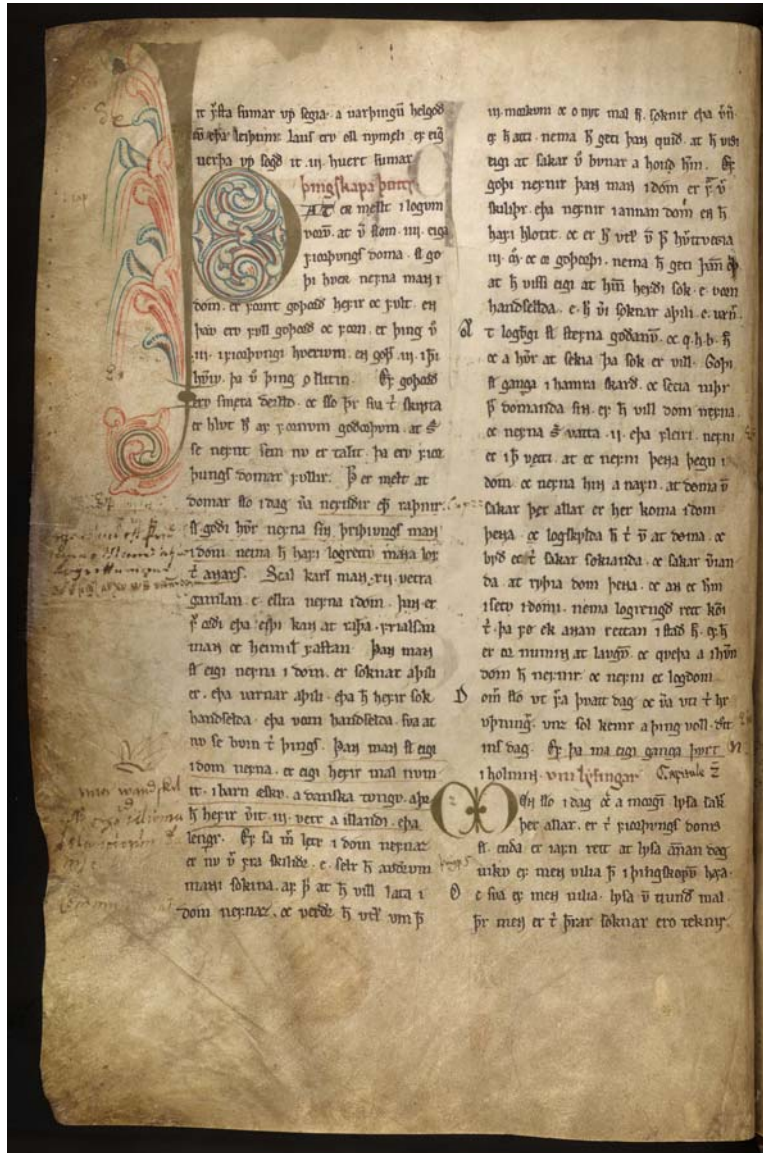


Fig. 10. Major initial >D< 143 mm (f. 9v).

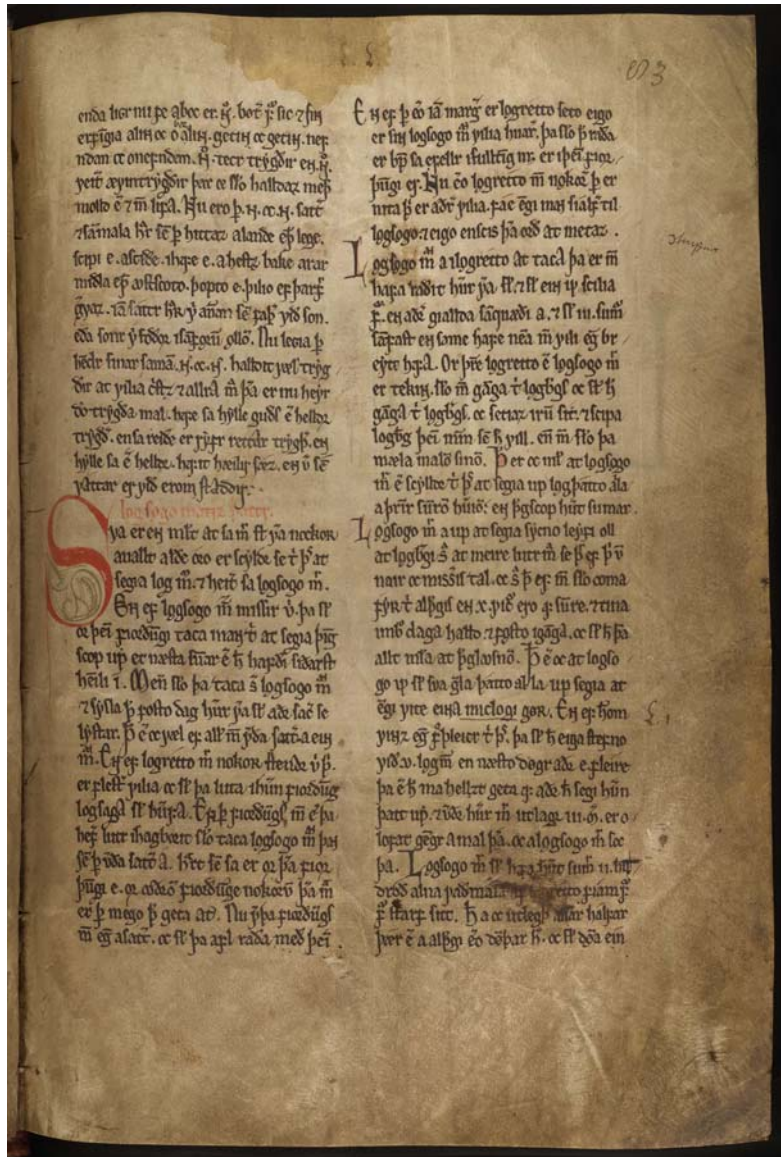


Fig. II. Major initial ›S‹ 40 mm (f. 42r).

All initials corresponding to the fifteen sections of Finsen's systematization, then, are major initials. By applying the same visual criteria to the remaining initials in the manuscript, however, there emerge at least other six major initials, on folios 19v, 28r, 61r, 73v, 87r and 89r. Finsen notes that these six initials are larger than those used to identify the beginning of new articles and acknowledges that some of these initials may have been intended to indicate a change of subject.<sup>17</sup> All major initials are listed in Table 3 below. The number of indented lines occupied by the initial is given in the fourth column, and the number of lines occupied by its ascender and/or descender is given in the fifth column. The length of the initials in millimetres (last column to the right) is not an absolute measure of the full visual impact of the initial on the page; in other words, it is not implied that the taller the initial, the greater its visual impact on the page, as there are other factors which influence the reader's visual perception of the initial, such as the width of the initial, indentation, use of colour and decoration.<sup>18</sup>

If all major initials in Table 3 are taken into account and reinterpreted according to Finsen's systematization, a different and more puzzling division of the text emerges. The major initial ›E‹ on folio 61r elevates § 164 ›vm hross reiðir« [on horse-riding] into a higher level and as a result identifies a new section containing miscellaneous subjects (§§ 164–171); this eliminates the problem which saw these articles included in a section on marriage (Section IX). There is a parallel to this particular use of an initial in the manuscript, as the major initial ›F‹ on folio 86r identifies the beginning of the miscellaneous Section XIV. On the other hand, the major initials ›F‹ on folios 19v and 28r would introduce divisions into Section II, which deals consistently with assembly procedures. In a similar way, the major initial ›H‹ on folio 73v would introduce a division into Section X, on land claims. Moreover, the major initials ›A‹ on folio 87r and ›J‹ on folio 89r would introduce two divisions into the miscellaneous Section XIV. It is noteworthy that § 248, which is identified by the initial ›J‹ on folio 89r, is said, in the manuscript, to be a law given by King Óláfr inn helgi to the Icelanders (*Ólafslög*); the major initial may thus have

<sup>17</sup> FINSEN: 1852, II, 61, 181, 195.

<sup>18</sup> For example, among those six ›new‹ major initials, initial ›E‹ on folio 61r is only 34 mm in height, but is unusually wide, indented by approximately nine characters, and decorated in three colours with unfurling foliate patterns.

been intended to mark it as an independent unit.<sup>19</sup> These changes to Finsen's section division are shown in Table 4.

Folio	Rubric	Initial	Indentation (lines)	Ascender/ Descender (lines)	Length (mm)
Finsen's Major Initials (Section Initials)					
1r	[Christian Laws Section]	Ð	4 <sup>20</sup>	+10	145
9v	Assembly Procedures Section	Ð	5	+11	143
31r	Section on Homicide	Ð	5	+10	135
39r	The Enumeration of Rings	F	3	+15	140
42r	The Lawspeaker's Section	S	5		40
42v	The Law Council Section	L	1	+6	53
44r	[Inheritance Section]	[S]	5		?
50r	Dependents Section	S	5		50
55r	[Betrothals Section]	S	7		61
64r	Land Claims Section	Ð	3	+13	125
77r	On the Hire of Property	M	3	+5	64
82r	Searches Section	Ð	3	+6	74
84r	On Commune Obligations	L	1	+5	50
86ra	[Miscellaneous matters]	F	2	+8	78
91ra	On Tithe Payment	Ð	4	+12	140
Other Major Initials					
19v	On the Confiscation Court	F	2	+6	65
28r	On Residences	F	3	+12	111
61r	On Horse-riding	E	4		34
73v	On Catching Rights	H	2	+4	57
87r	On Common Land here in the Country	A	2	+6	60
89r	On the rights of Icelanders in Norway	J	11 <sup>21</sup>		69

Table 3. Major Initials.

<sup>19</sup> BOULHOSA: 2005, 87–153.

<sup>20</sup> The manuscript is badly damaged at this point but it is probable that the initial occupies 5 lines of indented text, the first of which may have contained a rubric.

<sup>21</sup> As noted above, the initial ›J‹ is not indented but runs vertically alongside the text for 11 lines.

Folio	Initial	Section	Article (§)	Folio	Initial	New Division/ New Section
1r	D	[Christian Laws Section]	1-19			
9v	D	Assembly procedures Section	20-85	} 19v	F	§ 48 On the Confiscation Court
				} 28r	F	§ 78 On residences
31r	D	Section on homicide	86-112			
39r	F	The enumeration of rings	113-115			
42r	S	The lawspeaker's Section	116			
42v	L	The Law Council Section	117			
44r	[S]	[Inheritance Section]	118-127			
50r	S	Dependents Section	128-143			
55r	S	[Betrothals Section]	144-171	} 61r	E	§ 164 On horse-riding
64r	D	Land claims Section	172-220	} 73v	H	§ 208 On catching rights
77r	M	On the hire of property	221-226			
82r	D	Searches Section	227-233			
84r	L	On commune obligations	234-236			
86r	F	[Miscellaneous matters]	237-254	} 87r	A	§ 240 On common land here in the country
				} 89r	J	§ 248 On the rights of Icelanders in Norway
91r	D	On tithe payment	255-268			

Table 4. Distribution of Major Initials within Finsen's Section Division.

It thus seems that the arrangement of major initials does not correspond to a textual structure which can be easily understood – rather, that sections contain disparate subjects, and that unexpected divisions break the unity of sections which deal consistently with a single subject. The grades of all these major initials, ranging from 34 to 145 mm, may be too disparate for them to be considered a single group, even when the initials' other characteristics are considered. The classification of the initials is too fluid as there are several ›borderline‹ initials which preclude any sort of precise distinction. For example, the initial ›B‹ on folio 4v is plainly decorated but its height of 73 mm (two indented lines plus seven lines occupied by

an ascender) is within the range of major initials. The decorated initials ›J‹ and ›P‹ on folio 7r and ›M‹ and ›F‹ on folio 7v are among the larger minor initials, as will be seen below. In four of these five cases, the initials begin words which have a special relevance within the Christian Laws: »Biskup« [bishop], »Jól« [Christmas], »Páska« [Easter], »Messa« [Mass]; the embellishing of »Fimmtán« [Fifteen] may not be easily explained by the same token. On folio 22r, a space of three lines high and five letter-widths wide has been left blank for the initial ›V‹ but the scribe missed it. The unusually wide space left for the indentation indicates that the initial would have been fairly large; it marks the beginning of a text on Spring Assemblies.

On the basis of their grade, position, and distribution, it seems that the major initials in Konungsbók do not identify a highest hierarchical level of text (in Finsen's scheme, the ›section‹ level). In general, these major initials mark the beginning of a subject or a small topic within a subject, but their distribution, and grading, is too haphazard to allow for a consistent correlation between their appearance in the manuscript and the text which they are signalling. By contrast, for example, the text of *Grágás* in the manuscript Staðarhólsbók is marked by large initials that are reasonably uniform and preceded by blank spaces (and, in some cases, lists of contents), which divide the text into seven main parts (ff. 1v, 12r, 19r, 27v, 37r, 51r and 70v).<sup>22</sup> As noted above, there are only three instances in Konungsbók at which it is unequivocally clear that the scribe left blank lines before a major initial in order to draw attention to the beginning of a new textual unit: before the major initials on folios 50r, 55r and 91r, corresponding to Finsen's Section VIII, IX and XV.<sup>23</sup> In Konungsbók, the major initials present a succession of textual units; they can identify a change of subject but they also seem to have been used, as

<sup>22</sup> The lists of contents in Staðarhólsbók have a didactic function, but they are not an apt reference system as the articles listed at the beginning of each section do not exactly correspond to those effectively recorded within the system. The layout of Staðarhólsbók has an overtly didactic nature which the inconsistent layout of Konungsbók does not have. See also ROHRBACH in this volume.

<sup>23</sup> The space of two lines left before the initials on ff. 39r and 44r (i.e. at the very foot of ff. 38v and 43v) may have also been intended to mark a text division, but they are too small to produce visual impact; in the remaining cases, either the major initials already fell on the beginning of a new folio, or they are found in mid-folio. It is possible, then, that the economical use of parchment prevailed over the need to mark text divisions unmistakably.



in the case of the initials on folio 7, to highlight a textual unit which the scribe identified as important – and such initials also appear in *Staðarhólsbók*.<sup>24</sup> The haphazard distribution and grading of the major initials seems to indicate that, although the textual division in the manuscript resembles the hierarchical systematization devised by Finsen, the scribes responsible for *Konungsbók* (especially scribe B) did not intend it to be as rigid as the standardized form that it has been given by contemporary scholarly practice.

The use of minor initials in the manuscript seems to corroborate this hypothesis. Minor initials are smaller than major initials and occupy between one and five lines of text (most commonly they occupy two lines of text). Most of them (96 %) are indented, generally one to two lines high and two to three letter-widths deep, but a few have no indentation or a very small one letter-width indentation.<sup>25</sup> Minor initials show a great variation of style (Figs. 12–17). They are written in coloured ink and the majority of them are simple, with no decoration or additional colour. A few minor initials are decorated with unfurling foliate patterns or are embellished with swirling patterns: they represent approximately 20 % of all minor initials.

Minor initials identify small textual units which deal with a single subject. In Finsen's systematization, they identify the beginning of 268 articles (§), which can be very long and occupy several columns of text, or very short, comprising a single grammatical sentence. Minor initials are sometimes accompanied by rubrics which, like those accompanying major initials, are written to the right of the column, either on the previous line of text or in the first line of text. Approximately 70 % of minor initials in Finsen's systematization are accompanied by rubrics.

<sup>24</sup> See in *Staðarhólsbók*, for example, the initials ›D‹ on f. 9r at the beginning of § 36 on tithes (corresponding to *Konungsbók* § 255 which begins the so-called Tithes Laws); ›D‹ on f. 40r at the beginning of § 187 ›Vm einkunir‹ [On Marks] on livestock branding; ›M‹ on f. 47v at the beginning of § 242 on assembly groups; and ›H‹ on f. 87v at the beginning of § 440 ›Rekaþáttur‹ [Jetsam Section]. See ROHRBACH in this volume.

<sup>25</sup> Only six minor initials are not indented and not always because of their shape: ›J‹ on ff. 7r and 88r, ›I‹ on f. 20v, ›S‹ and ›M‹ on f. 16v and ›M‹ on f. 20r.

Minor initials range from 12 to 73 mm in height, but there is an exceptional group among them which are very small and resemble hanging initials (and should perhaps be considered borderline initials).<sup>26</sup>

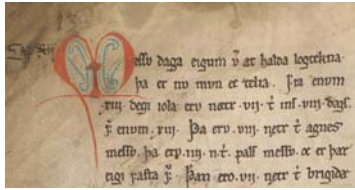


Fig. 12. Minor initial >M< (f. 7v).

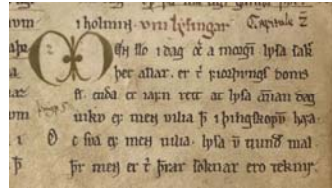


Fig. 13. Minor initial >M< (f. 9v).



Fig. 14. Minor initial >M< (f. 10r).

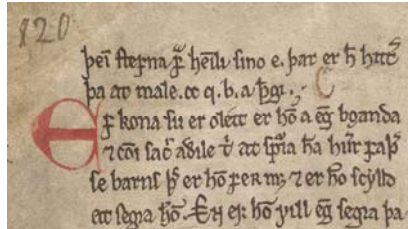


Fig. 15. Minor initial >E< (f. 60v).

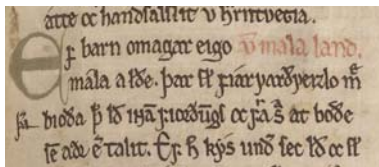


Fig. 16. Minor initial >E< (f. 70r).

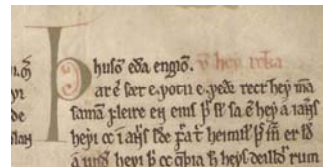


Fig. 17. Minor initial >D< (f. 70r).

<sup>26</sup> These measurements include the borderline initials on ff. 4v, 7r and 7v mentioned above, but exclude the exceptionally small minor initials mentioned here. They also exclude the initials not written down by the scribes (who had left blank spaces for their recording), as well as those on ff. 67 and 70 which are missing from the facsimile edition of the manuscript. The total number of minor initials are 221; 48 % measure 12 to 19 mm, 26.7 % measure 20 to 29 mm, 13.6 % measure 30 to 39 mm, 8.1 % measure 40 to 49 mm, 2.7 % measure 50 to 59 mm, 0.5 % measure 60 to 69 mm, and 0.5 % measure 70 to 79 mm (the latter two groups represent a single initial with 60 mm and one with 73 mm).

On the second column of folio 63v, the initial ›Q‹ measures 11 mm in height and is preceded by a small blank paragraph space (no rubric); Finsen identifies this as the beginning of § 169. The following ›E‹, on folio 63v, is 13 mm high, has no accompanying rubric or paragraph space, but is filled with colour; it corresponds to § 170 in Finsen's edition. The following ›E‹, on folio 63v, is only 8 mm high and filled with colour, but it has no rubric or paragraph; Finsen does not identify it as the beginning of an article. The following ›E‹, on folio 64r, is also only 8 mm in height and filled in colour, but it has a rubric »um jarð fé« [on buried property], which Finsen identifies as § 171. On folio 93r, the initial ›B‹ is accompanied by the rubric »um tíunda mál« [on tithe matters], and Finsen identifies it as the beginning of § 260. The preceding initial ›O‹ is of the same size and style as the ›B‹ but Finsen does not identify the beginning of an article here. This is not to show that Finsen's method is particularly inconsistent, but that the variation in the grade and style of minor initials does not allow for a consistent classification. It is also noteworthy that these exceptionally small initials occur in clusters; another example of a cluster of small initials will be discussed with the hanging initials below.

The disparity of the styles of minor initials is conspicuous. For example, scribe A, who wrote the first 31 articles in the manuscript, wrote minor initials ›M‹ in different styles (Figs. 12, 13 and 14).<sup>27</sup> Was the scribe copying these articles from a number of sources written in different styles, or was variation intended to work as a visual aid, to facilitate navigation through the text and the locating of its specific parts? This first hypothesis will be discussed below but, at any rate, one hypothesis does not exclude the other, and it is possible that the scribe kept the variations in style which he or she saw in order to make the text more easily searchable.

Variation is also an important element in the last group of initials, the notable initials: they occur throughout the manuscript and present great variation. In fact, they work as punctuation: they indicate breaks in the syntax of the text. At the same time, they fall at the beginning of new provisions, defined here as legal units or legal precepts. The point at which the syntax breaks or a provision ends or begins is a question of interpretation. Notable initials occur in several grades and styles; they are mostly written in the same colour as the main text, but some are stylized and

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<sup>27</sup> A minor initial ›M‹ on f. 5v and another on f. 12v are written in different styles from those on ff. 7v, 9v, and 10r shown above.

some are highlighted with a touch of red pigment (Figs. 18 and 19).<sup>28</sup> The scribes often leave a space of one or two letters before notable initials. Scribe A fairly consistently leaves a small blank space before notable initials, but has, on the whole, been less economical than Scribe B, who writes more words per line. When the initial letter of a new grammatical clause falls at the left hand side of a line, the notable initials extend slightly into the space of the left margin: this type of notable initial is called hanging initial (Figs. 20 and 21).<sup>29</sup>

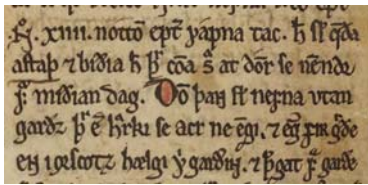


Fig. 18. Notable initial ›D‹ (f. 19v).

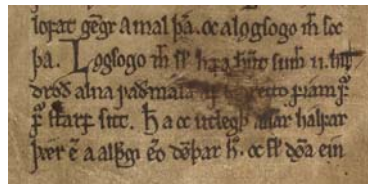


Fig. 19. Notable initial ›L‹ (f. 42r).

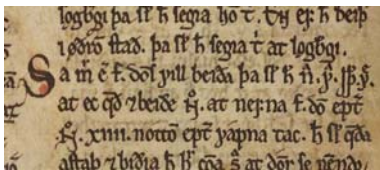


Fig. 20. Hanging initial ›S‹ (f. 19v).

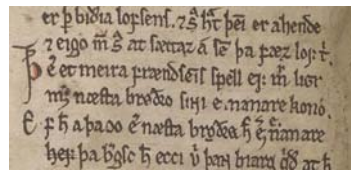


Fig. 21. Hanging initials ›D‹ and ›E‹ (f. 60v).

As Scribe B has written most of the manuscript, it is possible to observe the variation of these conventions more broadly. There seems to be no attempt on his or her part to adopt a standard style for notable and hanging initials. As has been said, the division of the text into sentences and paragraphs is dependent on the notable initials, which have a great impact

<sup>28</sup> It may be worth of notice that, according to CLEMENS and GRAHAM: 2007, 25, this form of highlighting »was frequent in manuscripts produced in the British Isles between the eighth and the eleventh century«.

<sup>29</sup> Cf. WESTERGÅRD-NIELSEN: 1971, 31 on the use of hanging initials as a form of punctuation in AM 351 fol. (c. 1360–1400) (though he does not use the term ›hanging initial‹). He also notes that the use of vertical strokes in red ink »at the end of individual sentences or group of sentences« may have been added »to make it easier to read and find one's way in the text«.

on our understanding of the text. As notable initials indicate the division of grammatical clauses, but not of legal provisions, the reader needs to identify each provision through a grammatical and logical analysis of the clauses, and perhaps also by analogy with other provisions.<sup>30</sup> Finsen seems to have understood the importance of the notable initials as he reproduced them in his edition and, to some extent, tried to preserve some of their variation.

It is also noteworthy that the variation of notable initials occurs in clusters, as shown in the analysis of the initials on folios 63v and 64r, the layout of which classifies them as borderline minor and hanging initials. There are other instances in which similar clusters appear, for example on folios 27 and 28. On folio 27r, a new textual unit (§ 77 in Finsen's systematization) begins with the minor initial ›G‹, and is followed by a succession of 15 stylized hanging initials. Although not accompanied by rubrics, these initials are preceded by paragraph spaces: this is not the most common use of paragraph space, which most commonly appears before minor initials. The scribe continues this convention up to the last line of folio 27v. The portion of text which contains these unconventional hanging initials deals with a number of subjects. It starts with a provision on the right of *goðar* to make agreements (*handsala*) on behalf of their assembly third, and then proceeds to shorter provisions on several subjects, including the dating of Confiscation Courts, harbouring of outlaws, challenging of panels of neighbours and judges, and transferring of legal obligations in case of travel.<sup>31</sup> Immediately after these provisions, a major initial ›F‹ on folio 28r (§ 78 in Finsen's edition) identifies a succession of provisions which also deal with dissimilar matters, but here the scribe does not divide the text by introducing paragraphs or hanging initials; that is, he reverts to the usual convention. Similar practices regarding the use of hanging initials occur at other parts of the manuscripts (for example,

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<sup>30</sup> BOULHOSA: 2005, 66–67 shows that, on the basis of the scribal usage of notable and hanging initials, two grammatical clauses which have been traditionally been read as two separate provisions could be read as a single provision.

<sup>31</sup> There are tenuous connections between some of these provisions, such as matters relating to legal representation and panels of neighbours and judges, but these themes are not common to all provisions.

folios 36v and 54r),<sup>32</sup> but the changes in the notable initials are more frequent and conspicuous. What do these variations in layout mean?

The use of different conventions could be explained by the fact that the scribe was using several manuscripts which were written by several people who structured their texts in different ways and designed the layout accordingly.<sup>33</sup> The scribe might have kept these different conventions regarding the use of notable and hanging initials because, unlike other conventions of layout, they did affect the understanding of the text. In the aforementioned § 248 (*Ólafslög*), for example, the convention of using hanging initials when the initial letter of a new grammatical clause falls at the left hand side of a line is consistently observed but for a single exception, an initial ›E‹ written in the margin. The scribe might have decided against using a hanging initial to avoid confusion, as the initial ›E‹, combined with the previous grammatical clause, forms a whole provision. This, and the use of notable initials throughout § 248,<sup>34</sup> suggests that the text was laid out with legal knowledge and understanding – the scribe's own knowledge or that of a scribe of another manuscript from which this particular part of Konungsbók derives. It is also possible that the text and layout were suggested by somebody supervising the production of the manuscript. All these possibilities suggest that, at some stage, the production of this part of Konungsbók was supervised by a person with legal knowledge. Further research on the interrelation between text and layout may be able to establish which, if not all, parts of the manuscript were written with legal knowledge.

As has been seen, there is also wide variation in the use, grade and arrangement of major and minor initials, which corroborates the hypothesis that the scribes were copying the text from a number of different manuscripts. These manuscripts could have been booklets and/or scraps of parchment containing legal material written by people involved in legal practice, who had adopted their own writing conventions for their personal recordings. In particular, the analysis of major initials – which according

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<sup>32</sup> Larger and/or more prominent hanging initials mark the beginning of incomplete provisions on f. 35r (but on ff. 31r and 31v, for example, incomplete provisions of which only the first words are written down, are marked by standard hanging initials).

<sup>33</sup> BATLEY: 2003, analysing the layout of the manuscripts of the Anglo-Saxon Chronicle, argues that a sudden change in format may indicate that the scribe used one or more consecutive sources.

<sup>34</sup> BOULHOSA: 2005, 43–86 analyses § 248 in detail.

to Finsen's scheme would identify a higher level of text, the sections – shows that they seem to have been randomly distributed through the manuscript: this could be the result of using varying sources. It may also suggest that compilation, rather than systematization, was the main motivation of the scribes.

The idea that several legal texts were used in the making of *Konungsbók* agrees with the hypothesis that the manuscript does not constitute a legal code, in the sense of being systematically created by a single legislative body at a given time, but rather a collection of laws which have been built up over the course of time by various legislative bodies.<sup>35</sup> The main concern of this codicological analysis, however, is to throw light on the history of the manuscript itself and hence the text. The variations in grade, type and style of all type of initials, combined with the different conventions on the use of paragraph space and rubric, may point towards multiple sources or multi-layered sources. (It is possible, though, that the scribes had a single manuscript from which they faithfully copied the structure and the initial conventions into *Konungsbók* – that exemplar, however, might at some stage have been based on multiple sources.) Among the extant legal manuscripts, AM 315 b fol. (c. 1250) might represent the type of material – smaller manuscripts, booklets, and so on – that, it has been suggested, were used in a previous stage of the recording of the law; at such a stage, the law was recorded through a dynamic process which did not allow even for the relative systematization of *Konungsbók*. AM 315 b fol. survives as a single folio, its textual layout in single columns, with coloured, large initials. Finsen says that it contains »forskjellige Afsnit af Grágás« [different sections of *Grágás*] which Kálund, cautiously describes as »forskellige lovbestemmelser« [different legal provisions];<sup>36</sup> what is relevant to the present study, though, is that the provisions that appear successively in AM 315 b fol. appear in different sections of *Konungsbók* and *Staðarhólsbók*. Finsen also suggests that the text in AM

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35 MAURER: 1874, 471; DENNIS, FOOTE and PERKINS: 1980, II. Maurer also argues that these collections of laws were private and therefore did not have normative force. In BOULHOSA: 2011 I have argued against a sharp separation between private/public and legislative/normative in the context of the mediaeval Icelandic laws. These laws were the product of a hybrid legal system based on a relatively solid set of laws and customary law. There is little evidence that the laws had no normative force.

36 FINSEN: 1852, II, 227, and KÁLUND: 1888–1892, II, 262. HREINN BENEDIKTSSON: 1965, xxx identifies AM 315 b fol. as »containing provisions from different sections of the Republican Code of Law, GRÁGÁS«.

315 b fol. originated from an early period, though not on the grounds of textual arrangement and layout, but because its provisions do not have a textual equivalent in Konungsbók. Finsen remarks that the two folios of the older AM 315 d fol. (c. 1150–1175) are »udentvív! Levninger af en fuldstændig Codex af Grágás«,<sup>37</sup> and thus it seems that Finsen would part company from the hypotheses that I have forwarded here. Despite that, the analysis of the layout supports the idea of an early period of legal writing, in which the laws were recorded more dynamically and less systematically – and in turn agrees with a dynamic development of the laws.

The present analysis of the layout of the manuscript cannot establish whether the scribes of Konungsbók were, in the middle of the thirteenth century, directly copying from several small manuscripts, or from a manuscript (or manuscripts) the source of which had, at some stage, been copied in this manner. Konungsbók may be many decades removed from the smaller manuscripts, booklets and other scraps of legal text which have been hypothesised here, or it may have been one of the earliest attempts to have as many laws recorded in a single manuscript as possible. A comparison between Konungsbók and Staðarhólsbók, which were written roughly at the same time but differ in layout and textual structure, may throw some light on their making at this specific historical moment.<sup>38</sup>

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<sup>37</sup> FINSEN: 1852, II, 219 [no doubt remains of a complete Codex of Grágás].

<sup>38</sup> BOULHOSA: 2012 compares the so-called Tithe Laws in Konungsbók and Staðarhólsbók and suggests that, in relation to these laws, compilation was behind the recording of the former while revision was behind the production of the latter.



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Fig. 22. AM 334 fol., f. r. *Dómakapítuli*.

LENA ROHRBACH  
Matrix of the Law?  
A Material Study of Staðarhólsbók

Introduction

Few Icelandic manuscripts have been discussed as intensely, or have caused so much controversy, as Staðarhólsbók, AM 334 fol., which contains the so-called *Dómakapítuli*, the article on judgments (f. 11r), one of the two comprehensive medieval texts of *Grágás* (ff. 11v–92v), and the sole medieval text of *Járnsíða* (ff. 92v–108r).<sup>1</sup> Philologists, historians and legal historians have repeatedly tried to establish when the codex, or rather the different parts of the codex, came into being.<sup>2</sup> The only part of the codex that has not been discussed in terms of its dating since Kristian Kålund's *Katalog* (1889) is folio 11r, on which *Dómakapítuli* was written (Fig. 22). Kålund dates this part to c. 1300 and this has never since been questioned.<sup>3</sup> The three parts of the manuscript have only been considered in isolation, but this article will consider the materiality of Staðarhólsbók as a whole, and will discuss the materiality of each part within the material context of the whole codex.

Since Vilhjálmur Finsen established in 1879 that all three parts of Staðarhólsbók – *Dómakapítuli*, *Grágás* and *Járnsíða* – were written in different hands,<sup>4</sup> all subsequent datings have been based on political-historical considerations. In his facsimile edition from 1936, Ólafur Lárusson expresses scepticism about the possibility of dating the different parts of the manuscript on palaeographic evidence, but after a discussion of the historical context and textual peculiarities in *Grágás*, he suggests: »According

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1 All modern copies of *Járnsíða* can be traced back to this exemplar; see HARALDUR BERNHARÐSSON, MAGNÚS LYNGDAL MAGNÚSSON and MÁR JÓNSSON: 2005, 19–20.

2 Detailed surveys and discussions of the history of the research on this matter can be found, for example, in Gunnar Karlsson's edition of *Grágás* (GUNNAR KARLSSON: 1992a, xii–xvi), or most recently in Patricia Boulhosa's dissertation *Icelanders and the Kings of Norway* (BOULHOSA: 2005, 47–51).

3 KÅLUND: 1889, 275.

4 Vilhjálmur Finsen identifies ten different hands in the *Grágás*-part, with a main hand A, a hand B who wrote ff. 70r–88r, and hands C–K, each of whom wrote few lines throughout the text. The whole of *Járnsíða* is thought to have been written in one hand (FINSEN: 1879, V–VII).

to what has now been said, it hardly seems possible to fix the date of the writing of the codex more definitely than that the first section (*Grágás*) was written not before 1260, and the second section (*Járnsíða*) not before 1270, though more likely after 1273.<sup>5</sup> He repeatedly emphasizes that *Grágás* and *Járnsíða* must have been written down at different times.<sup>6</sup>

Gunnar Karlsson, on the other hand, argues that the *Grágás* text was written in the winter of 1271/72, the winter after the General assembly (*alþingi*), according to *Árna saga biskups*, adopted parts of *Járnsíða* (*Þingfarabálkr*, the section on assembly attendance, and parts of the *Erfðabálkr*, the section on inheritance), but before the General Assembly at which the remaining parts of the law-book were adopted.<sup>7</sup> Gunnar Karlsson argues that the writing of *Grágás* without the sections on political organisation – which were included in another manuscript of *Grágás*, *Konungsbók*, GKS 1157 fol. (c. 1250) – could only be meaningful within this short time-frame.<sup>8</sup>

Sigurður Líndal suggests that the two law-books in *Staðarhólsbók* were written relatively contemporaneously after 1271, and that the compilers of the new Icelandic law-book, *Jónsbók*, used *Staðarhólsbók* and other lost manuscripts of *Grágás* as the textual bases for the drafting of *Jónsbók*. This would explain why the manuscript only contains parts of the old law which were considered by the compilers to be in need of revision.<sup>9</sup> Sigurður Líndal was not the first to suggest that *Staðarhólsbók* might have been thought of as a model for the new legislation; this hypothesis had already been forwarded by P.A. Munch, Jón Sigurðsson and Konrad Maurer, and was generally accepted, but Sigurður Líndal was the first to associate the making of *Staðarhólsbók* with that of *Jónsbók* in c. 1280 rather than with the decade following the submission to the Norwegian crown in 1262/64.<sup>10</sup>

5 ÓLAFUR LÁRUSSON: 1936, II.

6 Ibid., 10–11.

7 *Annales vetustissimi* and *Annales regii* also relate that *Þingskapabálkr* and parts of *Erfðabálkr* were accepted in 1271 (*Íslandske annaler indtil 1578*, 49 and 138).

8 GUNNAR KARLSSON: 1992a, xvi. All datings in this article are according to *Ordbog over det norrøne prosasprog. Registre*, unless otherwise stated.

9 SIGURÐUR LÍNDAL: 1988, 298.

10 MAURER: 1870, 15–16; FINSEN: 1879, VIII–IX.

All arguments concerning the dating of the codex have been based on textual peculiarities which were contextualised on the basis of historical accounts.<sup>11</sup> The materiality of the codex itself, that is, the material arrangement of the text in terms of layout and structure – although to a large extent already described by Vilhjálmur Finsen and Ólafur Lárusson – has not been taken into account in the discussion of the *raison d'être* of the codex. This article will consider the materiality of Staðarhólsbók through an analysis of its paratextual elements such as rubric, article numbering, and table of contents. These material aspects of Staðarhólsbók stand out within the manuscript itself and also in comparison to other Icelandic, Scandinavian and continental medieval legal manuscripts. The paratextual features of the codex will be discussed from a media-theoretical perspective, by investigating how specific tools of literacy were used in a specific context, and how these tools interact and interfere with the text and direct our perception of the words on the page.<sup>12</sup>

### Material Arrangement of Staðarhólsbók

The first impression of the material arrangement of Staðarhólsbók is that of sophistication and imperfection at the same time.<sup>13</sup> Staðarhólsbók is a lavish manuscript in folio format, measuring about 335 x 240 mm,<sup>14</sup> consisting of 108 folios in fourteen quires of different sizes.<sup>15</sup> The codex is consistently written in two columns of 37 lines. Initials of different grades indicate major and minor textual divisions. These initials can be classified in three groups: major initials, minor initials and notable initials, which

<sup>11</sup> On the legal positivism underlying many of the different datings, see BOULHOSA: 2005, 50.

<sup>12</sup> On media-theoretical approaches and the concept of mediality, see ROHRBACH in this volume, 12–14.

<sup>13</sup> The rudimentary material arrangement of the manuscript is also discussed by FINSEN: 1879, XXIII.

<sup>14</sup> The measurement is from MÁR JÓNSSON in this volume, 31.

<sup>15</sup> The quire structure of the codex is: IV<sup>8</sup> + (I+I)<sup>11</sup> + IV<sup>19</sup> + IV<sup>27</sup> + IV<sup>35</sup> + IV<sup>43</sup> + IV<sup>51</sup> + (III+I)<sup>58</sup> + V<sup>68</sup> + V<sup>78</sup> + III<sup>84</sup> + V<sup>94</sup> + (II+I)<sup>100</sup> + IV<sup>108</sup>. *Kristinna laga þáttur* is written on the first two quires of the codex, and the major part of f. 11v is left blank; *Erfðaþáttur* begins with a new quire. *Járnsíða* begins in the middle of the twelfth quire, which consists of five *bifolia*. The last quire consists of four *bifolia*, but it is assumed that at least one *bifolium* in the middle of the quire has been lost, as there is a lacuna in the text of *Járnsíða* beginning on f. 104v and ending on f. 105r. ÓLAFUR LÁRUSSON: 1936, 11–12; <http://handrit.is/en/manuscript/view/is/AMo2-0334> (last accessed on 4 February 2014).

differ from each other in height, width, degree and type of decoration. Major initials indicate the beginnings of main textual units, which will be called ›sections‹, minor initials indicate divisions within these sections, which will be called ›articles‹, while divisions of heterogeneous nature within articles are indicated by notable initials.<sup>16</sup>



Fig. 23. AM 334 fol., ff. 27v and 95v, details. Major initial ›S‹ with ornaments of Romanesque style in *Grágás*, and pen-flourished major initial ›S‹ in *Járnsíða*.

The major initials of *Grágás* are decorated with unfurling foliate patterns in the Romanesque style, while the major initials in *Járnsíða* are pen-flourished (Fig. 23).<sup>17</sup> The space reserved for the major initials in *Grágás* is considerably larger than that in *Járnsíða*: occupying 8 to 13 lines in height and 20 to 32 characters in width in *Grágás*, and 4 to 10 lines in height and 10 to 15 lines in width in *Járnsíða*.<sup>18</sup> There is no considerable

<sup>16</sup> For a detailed discussion of the use of notable initials in *Konungsbók*, see BOULHOSA in this volume.

<sup>17</sup> The differences in style do not provide arguments for the different dates of the two parts of the manuscript, as both styles of decoration appear contemporaneously in the manuscript transmission (personal correspondence with Lena Liepe).

<sup>18</sup> For the purpose of this article the size of the initials is measured both by the height (in lines) and width (by number of characters in average) of indentation in the text and by how much space in the margin an initial occupies. This measurement – as with any other method for measuring initials – cannot do justice to the full visual impact of the initial on the page, but takes into account the space reserved for the initial by the scribe of the main text, as well as the space in the margin which was used by the illuminator, and thus represents both the space reserved for, and effectively occupied by, the initial on the page.

difference in the way that initials occupy the blank space of the margins in *Grágás* and *Járnsíða*: the ascenders and descenders extend up to 27 lines alongside the text in the margins. Minor initials are represented consistently throughout the whole codex; they are mostly pen-flourished in red, green or blue ink, occupy 2 or 3 lines of text, and are indented by 3 to 5 characters in width (Figs. 24 and 25). The ascenders and descenders of minor initials can occupy up to 11 lines in the margin, in most cases in the form of simple strokes without substantial decoration. Notable initials are written in black ink and are slightly larger than the script in the main text; when notable initials occur at the beginning of a line, they are placed in the left margin.

Alongside major and minor initials in the *Grágás*-part, there are pen-flourished initials which are considerably smaller than the major initials and considerably larger than the minor initials in this part. They occupy 3 or 4 lines of text and are indented by 8 to 13 characters. The ascenders and descenders extend up to 17 lines in the margins. These initials are reminiscent in size and style of the major initials in *Járnsíða*. The use of these medium initials coincides with changes of subject within a section.<sup>19</sup>

According to the use of major initials, it is possible to identify the sections listed in Table 1; except for *Ómagabálkr* and *Festaþátr* in *Grágás*, these sections are not accompanied by rubrics,<sup>20</sup> neither are *Dómakapítuli*, *Grágás* and *Járnsíða*. *Dómakapítuli* is written in a Proto-Gothic hand not to be found elsewhere in the manuscript,<sup>21</sup> but its layout follows that of the rest of the codex, with the text in two columns of 37 lines each and an indented initial ›E‹ in red ink that occupies two lines of text, and corresponds in size and grade to the minor initials used in *Grágás* and *Járnsíða* (Figs. 22, 24 and 25).

<sup>19</sup> Medium-sized initials are found on ff. 9r (›P‹ introducing the first article on tithes), 40r (›P‹, introducing an article on branding of livestock that is followed by several articles on livestock), 43v (›P‹, introducing the first article on communes (*hreppar*)), 45v (›P‹ introducing an article on cases in connection with humiliations), 46r (›F‹, at the head of an article on travelling days), 47v (›M‹ introducing the first article dealing with a farmer's choice of *godði*), 87r (›U‹, at the head of the first article on hunting) and 87v (›h‹, introducing the first article on drift rights, see Fig. 30). On the use of ›borderline initials‹ with similar material characteristics but an unclear structuring function in *Konungsbók*, see BOULHOSA in this volume.

<sup>20</sup> The rubric »festaþátr« precedes the Table of Contents on f. 27r.

<sup>21</sup> FINSEN: 1879, IV.



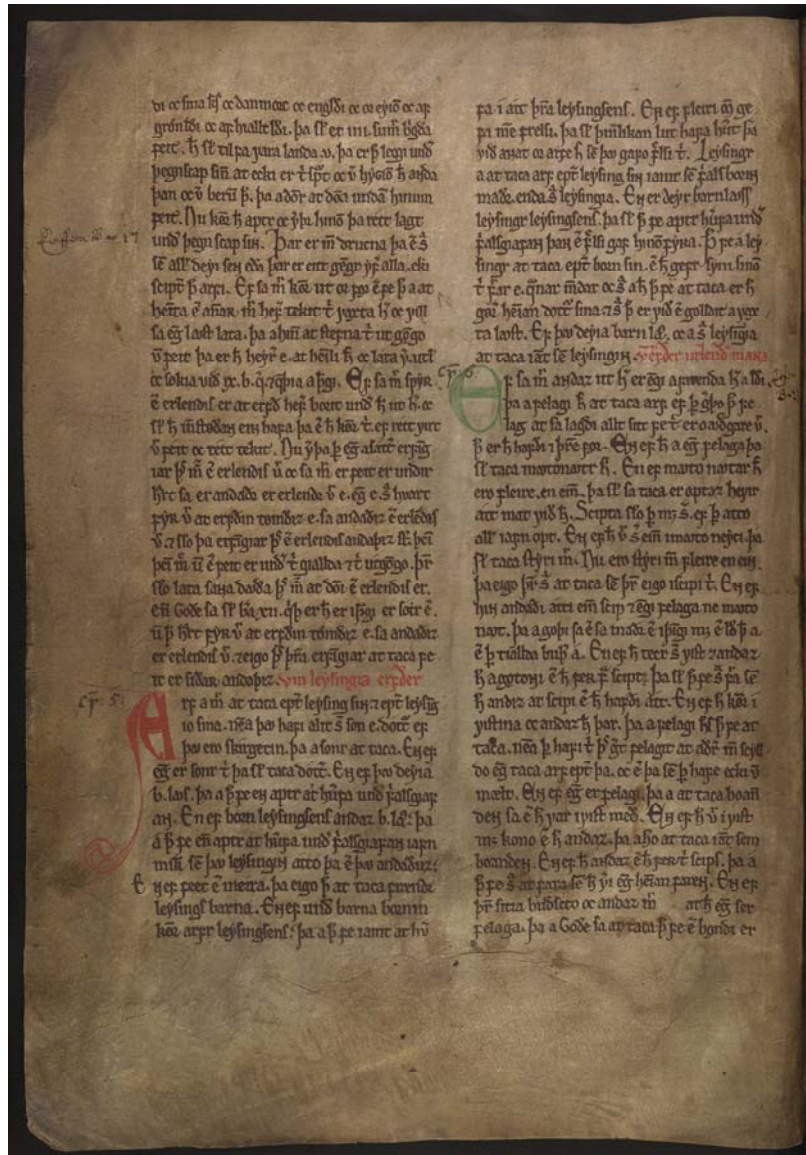


Fig. 24. AM 334 fol., f. 13v. Minor initials ›A‹ and ›E‹ in Grágás.

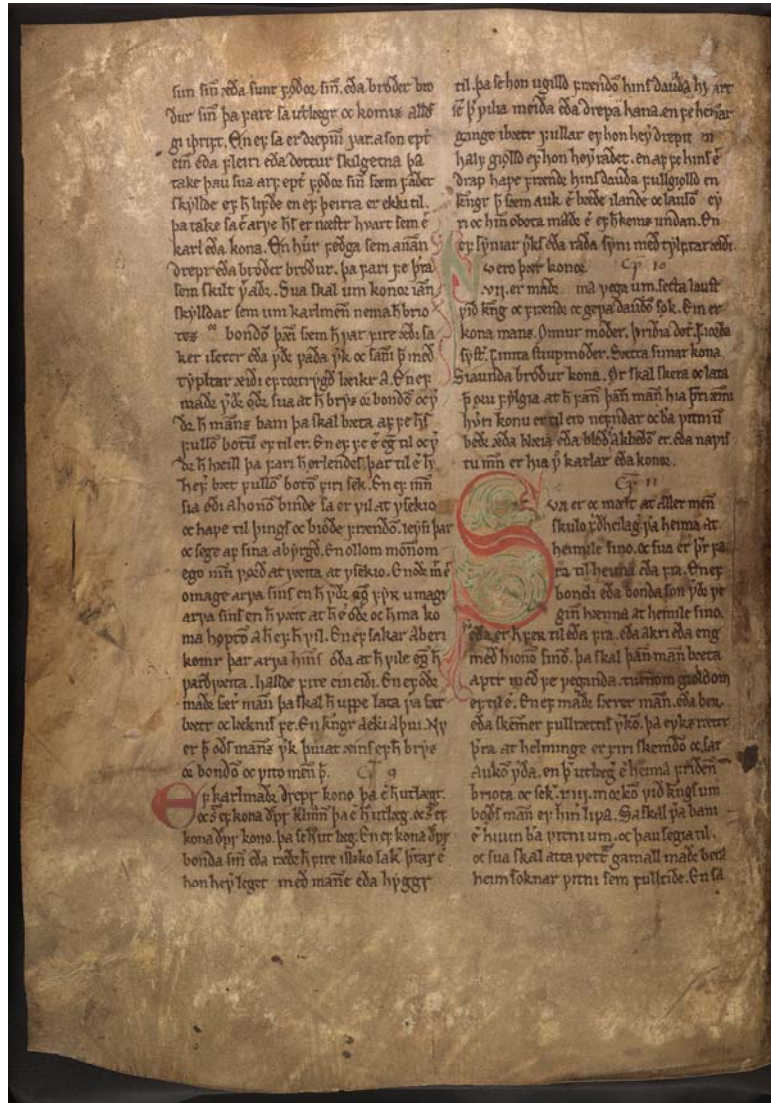


Fig. 25. AM 334 fol., f. 95v.  
Minor initials ›E‹ and ›N‹ and major initial ›S‹ in *Járnsíða*.

Part	Folio	Initial	Vertical indentation (lines)	Horizontal indentation (characters)	Total vertical extension (lines)	Section	Translation
[Dóma- kapítuli]	1ra	E	2	3	3		
[Grágás]	1va	A	12	32	24	[Kristinna laga þátrr]	Christian Laws Section
	12ra	S	10	23	12	[Erfðaðátrr]	Inheritance Section
	19ra	S	13	23	15	Ómagabálkr	Dependents Section
	27vb	S	12	23	14	Festa þátrr	Betrothals Section
	37rb	M	9	27	9	[Um fjárleigur]	Land Claims Section
	51rb	F	8	20	16	[Vígslóði]	Treatment of Homicide
	70va	E	8	20	9	[Landabrigðis- þátrr]	On Hire of Property
[Járnsíða]	92va	I	0 <sup>22</sup>	0	19	[Þingfarabálkr]	Assembly Attendance Section
	93va	Þ	5	11	27	[Kristindóms- bálkr, art. II]	Christian Laws Sections
	95vb	S	7	12	10	[Mannhelgi, art. II]	Personal Rights Section, art. II
	100ra	S	7	15	12	[Erfðatal]	Inheritance List
	107va	U	4	10	5	[Þjófabálkr]	Theft Section

Table 1. Major initials in Staðarhólsbók, AM 334 fol. Rubrics in square brackets do not appear in the manuscript. The section titles in *Grágás* are from Vilhjálmur Finsen, who took them from designations in the text itself.<sup>23</sup> The section titles in *Járnsíða* are taken from the 2005 edition, which ascribes them according to the corresponding sections in *Jónsbók*.

The major initials that introduce the two law-books are not distinctly larger than other major initials in the codex. In all sections that begin on the first column of a folio, the text begins in the first line of the column, but in the beginning of *Grágás* and *Járnsíða* a few blank lines are left

<sup>22</sup> As is common for such initials, the ›I‹ that marks the beginning of *Járnsíða* is set, unindented, alongside the text in the inner margin of the text and spans over 19 lines.

<sup>23</sup> FINSEN: 1879, XXIII–XXIV.

before the text begins (Figs. 26 and 27).<sup>24</sup> In the *Grágás*-part there are also article rubrics and tables of contents which have not been consistently added to all sections.

Four material characteristics of Staðarhólsbók stand out: the presence and distribution of articles with numbered and unnumbered rubrics in *Grágás* (Fig. 28), the presence of tables of contents in *Grágás* (Fig. 29), the use of initials in *Járnsíða*, and the position of *Dómakapítuli* on the first page of the codex. Staðarhólsbók doubtless has other conspicuous characteristics within the wider context of the transmission of Icelandic legal manuscripts, but the analysis of these features may provide further insights into the motivation behind its making.

### Rubrics and Tables of Contents in *Grágás*

As shown in Table 2, only four sections in *Grágás* are introduced by tables of contents. The tables consist of a list of titles written to the left and the corresponding Roman numeral written to the right (Fig. 29), with no reference to page numbers, as was usual in the medieval manuscript tradition. This system was used to avoid the renumbering of the page references in copies of the work. References to page numbers only appear from the middle of the fifteenth century and coincide with the advent of printing and the mass production of identical copies.<sup>25</sup> The distribution of numbered and unnumbered rubrics alongside articles in *Grágás* is inconsistent. *Kristinna laga þáttr* is not preceded by a table of contents and only a few of its articles are accompanied by unnumbered rubrics. *Erfðaþáttr* and *Ómagabálkr* are not preceded by tables but their articles have rubrics, the majority of which are numbered. The four remaining sections of *Grágás* are preceded by tables and their articles only exceptionally feature rubrics; when they appear, these rubrics are always numbered. It thus seems that the two paratextual tools have been used in two alternative ways: the numbered titles in the tables refer in most cases to articles without rubrics, while the sections without tables mostly have articles with numbered rubrics.

<sup>24</sup> Three lines are left blank at the beginning of *Grágás*; four lines are left blank at the beginning of *Járnsíða*.

<sup>25</sup> To my knowledge, the oldest Table of Contents that makes reference to page numbers in an Icelandic manuscript appears in a *Jónsbók* manuscript, AM 37 a 8vo (c. 1500).



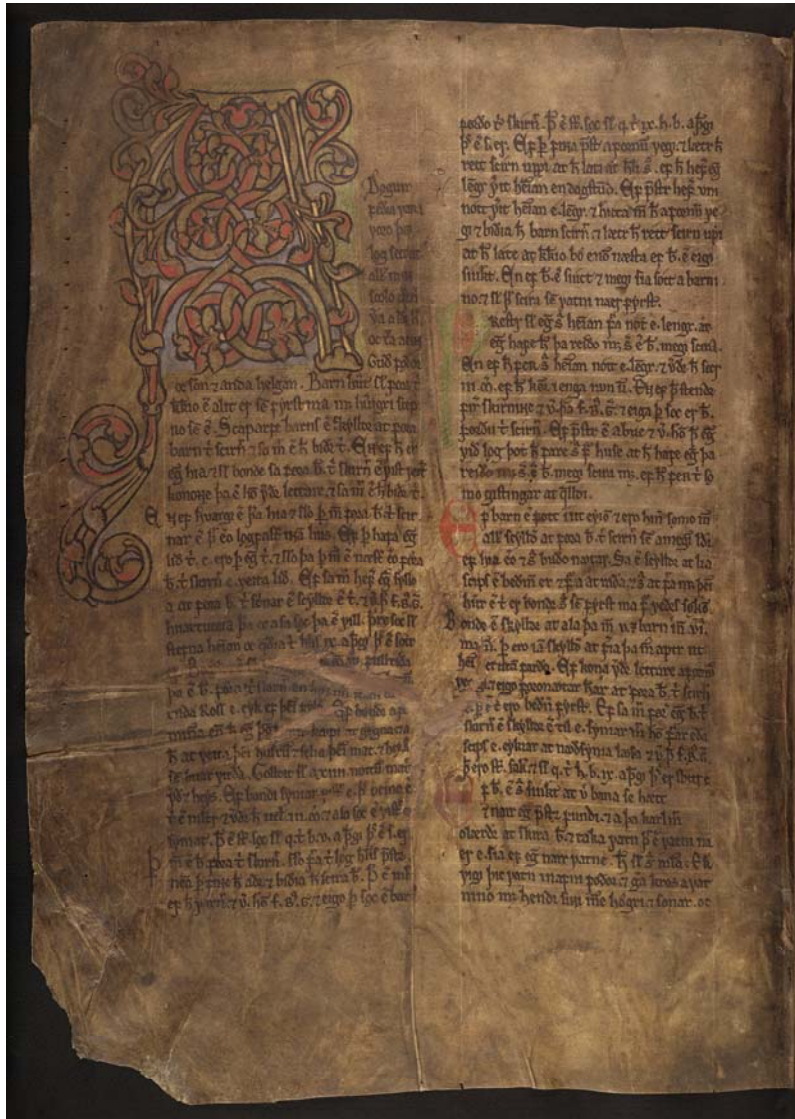


Fig. 26. AM 334 fol., f. 1v.  
The beginning of *Kristinna laga þátrr* of *Grágás* with major initial >A<.

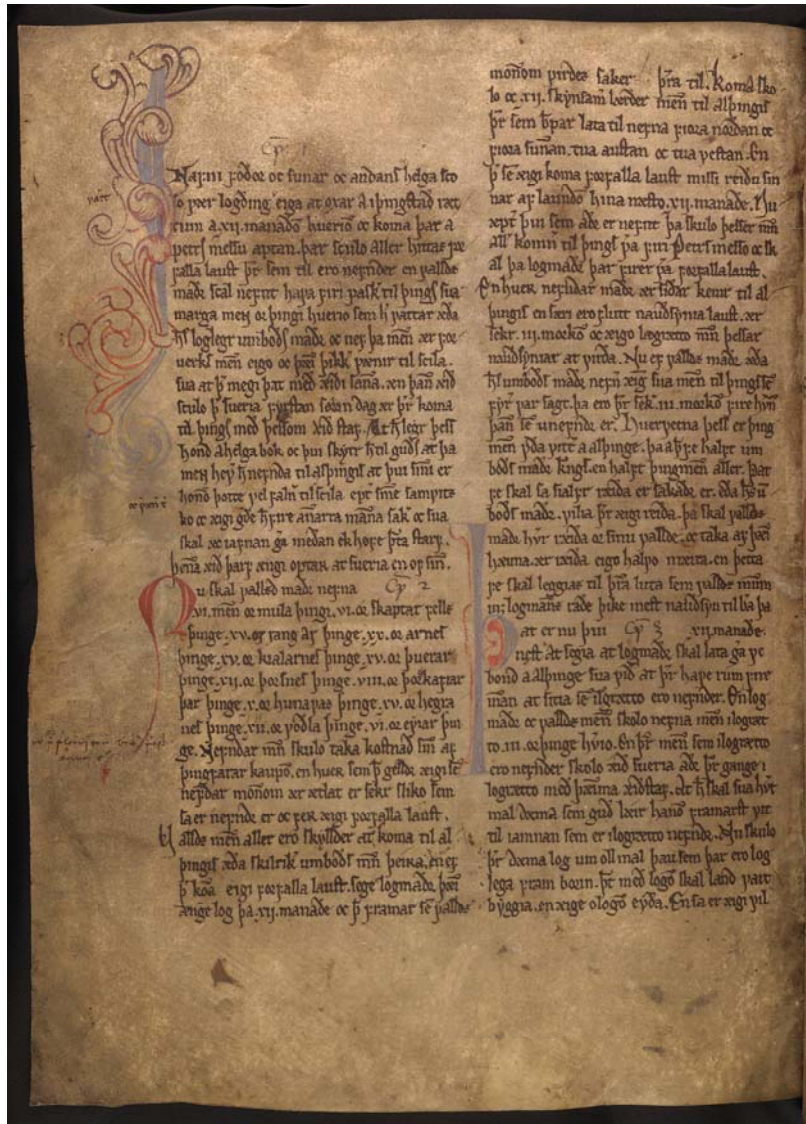


Fig. 27. AM 334 fol. f. 92v. Major initial 'D' at the beginning of *Járnsíða*.

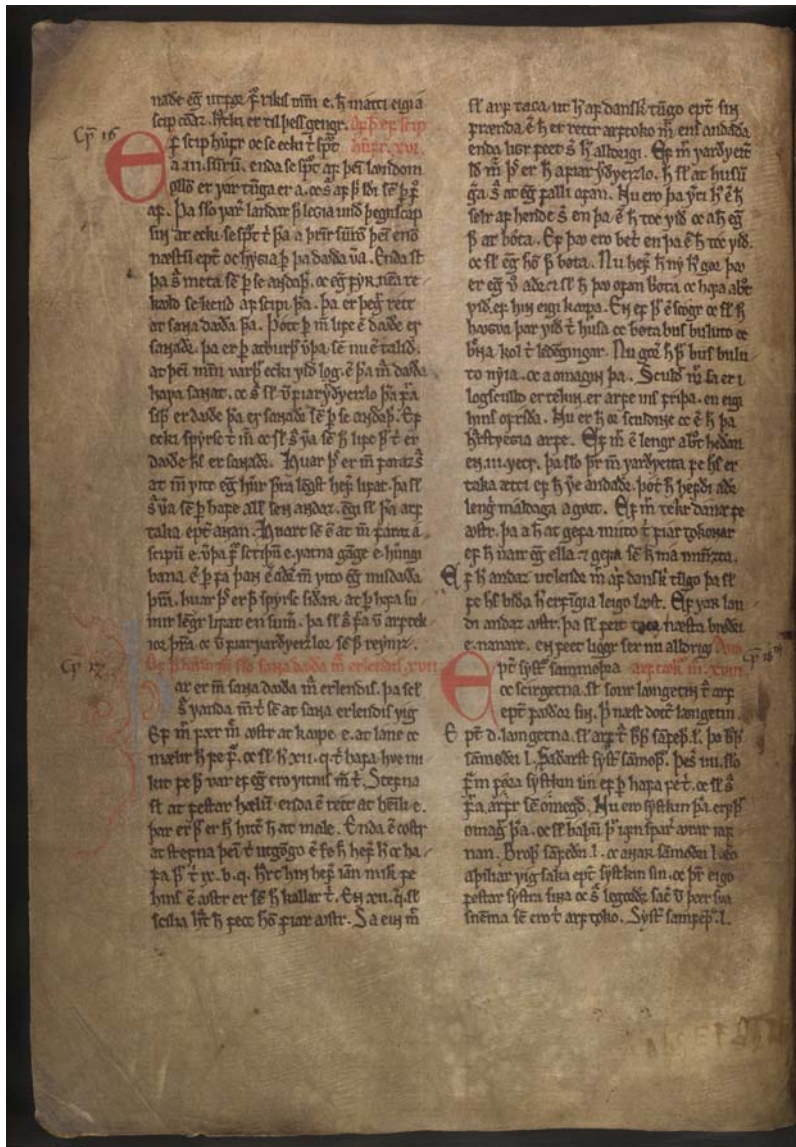


Fig. 28. AM 334 fol., f. 17v. Numbered article rubrics in *Erfðabáttir* of *Grágás*.



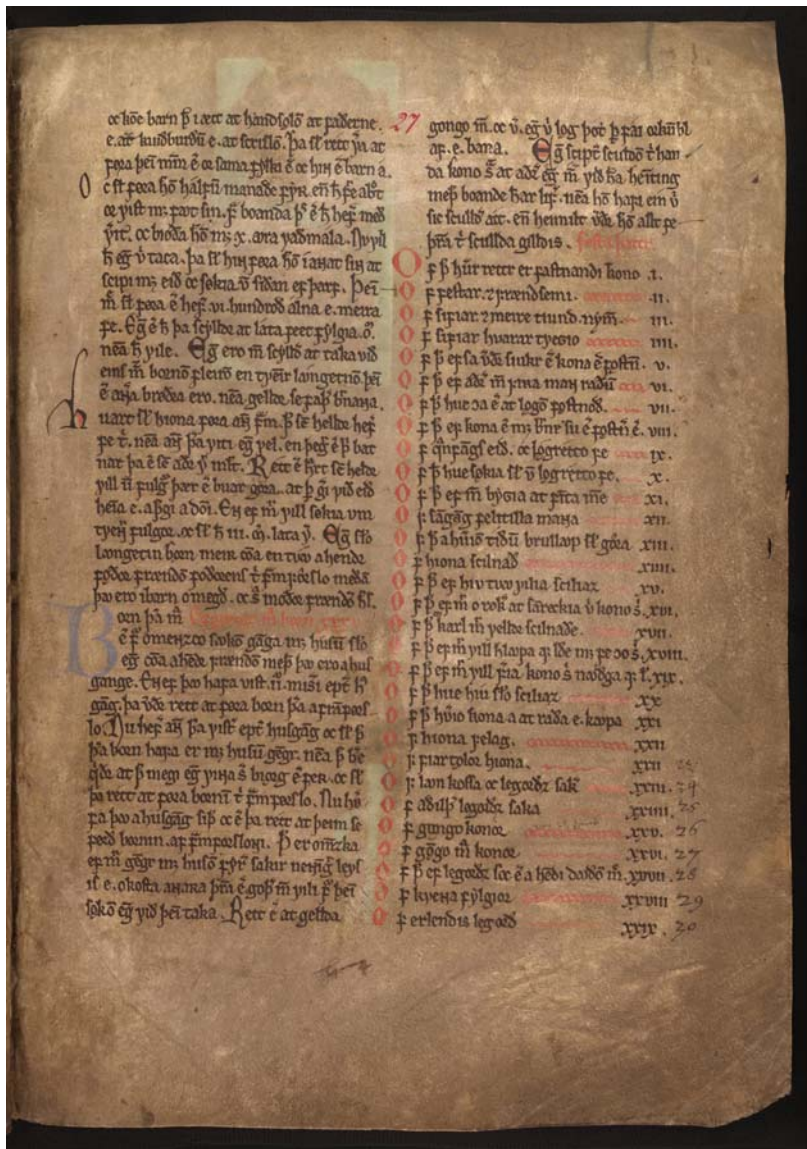


Fig. 29. AM 334 fol., f. 27r. Table of contents preceding *Festabáttir*.



Section	Table of contents	No rubrics	Unnumbered Rubrics	Numbered Rubrics
Kristinna laga þátr		Iv–IIv <sup>26</sup>		
Erfðapátr			12r–14v	15r–18v
Ómagabálkr			20v–21v	19r–20r, 22r–27r
Festa þátr	27rb–27va	27v–36v		
Um fjárleigur	36vb–37rb	37r–39r, 41r–50r		39v–40v
Vígslóði	50va–51rb	52v–67v, 68v–69v	68r <sup>27</sup>	51v <sup>28</sup>
Landabrigðisþátr	70r	70v–83r, 91v–92r		83v–91r

Table 2. Tables of contents and rubrics in *Grágás*.

Only a few folios (ff. 39v–40v, 51v and 83v–91r) feature articles with numbered rubrics in a section that is preceded by a table of contents, and except for minor discrepancies in wording or article arrangement, the rubrics in the text and titles in the table correspond.<sup>29</sup> Incongruities of this kind are not uncommon in medieval manuscripts and often indicate the use of several sources in the process of copying. In *Landabrigðisþátr*, however, the two paratexts diverge more significantly.<sup>30</sup> The break between the titles in table and rubrics happens at the point of the article »vm veiðar ok almenningar« [On hunting and common land] on folio 87r and from that point onwards, the articles on hunting and drift rights are not listed in the table.<sup>31</sup> Vilhjálmur Finsen identifies a change of hand, from hand B back to the main scribe A, at the beginning of »vm veiðar ok

26 Rubrics are found on ff. 2v (»at fœra lic til kirkju«), 5r (»of byscopa«, »of pœesta vistir oc kaup«), 9v (»þurfa *Manna* tiund«), 10r (»Um eið *vinning*«).

27 »at lysa scogar manz vig«.

28 F. 52r has numbered articles without rubrics.

29 For example, the Table of Contents that precedes *Um fjárleigur* lists »Of ruta oc hafra xv« [On rams and bucks xv], but in the text there appear two articles: »vm ruta .xv.« [On rams xv] on f. 36v and »vm hafra .xvi.« [On bucks xvi] on f. 40v. In consequence, the titles in the table and rubrics in the text do not correspond with one another from that point onwards.

30 *Landabrigðisþátr* consists of 71 articles, of which articles 42 to 69 on ff. 83v–91r have numbered article rubrics, while the rest of the articles have no rubrics. The Table of Contents on f. 70r is written in two columns and ends in article lii; there remain 23 blank lines in the right column. The last four titles in the table, on drift rights, do not correspond to the articles in the text.

31 There are minor discrepancies between table and text before this point. The scribe missed title xxvi in the table, which thus shows xxvii after xxv. Title xlv in the table is not shown in the text.

almenningar«, which could explain the break, as the main scribe might have used a different model. However, the materiality of this part of the codex shows some ambiguity on the part of the scribes about the textual structure and hierarchy. Both the first article on hunting on folio 87r and the first article on drift rights on folio 87v are marked by medium initials that indicate a change of subject. The rubrics of the articles are numbered successively throughout the section, but the element *þáttir* [part, section] in the rubric »Rekaþáttir« (f. 87v) makes it stand out from the others (Fig. 30), as *þáttir* is used in the manuscript to indicate the beginnings of sections. According to the grade of the initials and the numbering of the rubrics, the two articles belong to *Landabrigðisþáttir*, but the wording of the rubric and the arrangement of the Table of Contents might be interpreted as attempts to structure the articles as separate sections of the law-book.

The tables of contents in Staðarhólsbók do not work as finding tools for the text they precede, as the latter lacks – save a few exceptions – corresponding numbering and rubrics; but they are, with the exception of the last articles of *Landabrigðisþáttir*, accurate lists of the contents of the text which are thus made accessible.

### Major Initials in *Járnsíða*

As shown in Table 1, there are five major initials in *Járnsíða* on folios 92v, 93v, 95v, 100r and 107v which, on the basis of the use of major initials in the *Grágás*-part of the manuscript, divide the *Járnsíða*-text in five parts. This structure is at odds with the division into sections which is presented in the 2005 edition of *Járnsíða*, as shown in Table 3.<sup>32</sup> The textual structure in the edition is based on changes of subject in the text and also follows the section division found in *Jónsbók*, and thus do not convey the materiality of the text as it appears in Staðarhólsbók.

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<sup>32</sup> Rudolf Keyser and P.A. Munch number the articles successively in their edition of *Járnsíða* in *Norges Gamle Love* I. They do not add section or article titles, but indicate the beginning of sections by larger initials in bold script based on the layout of the manuscript, except for article 14, which is introduced by a major initial that does not appear in the manuscript (AM 334 fol., f. 94v; *Kong Haakon Haakonsöns islandske Lov*: 1846, 264).

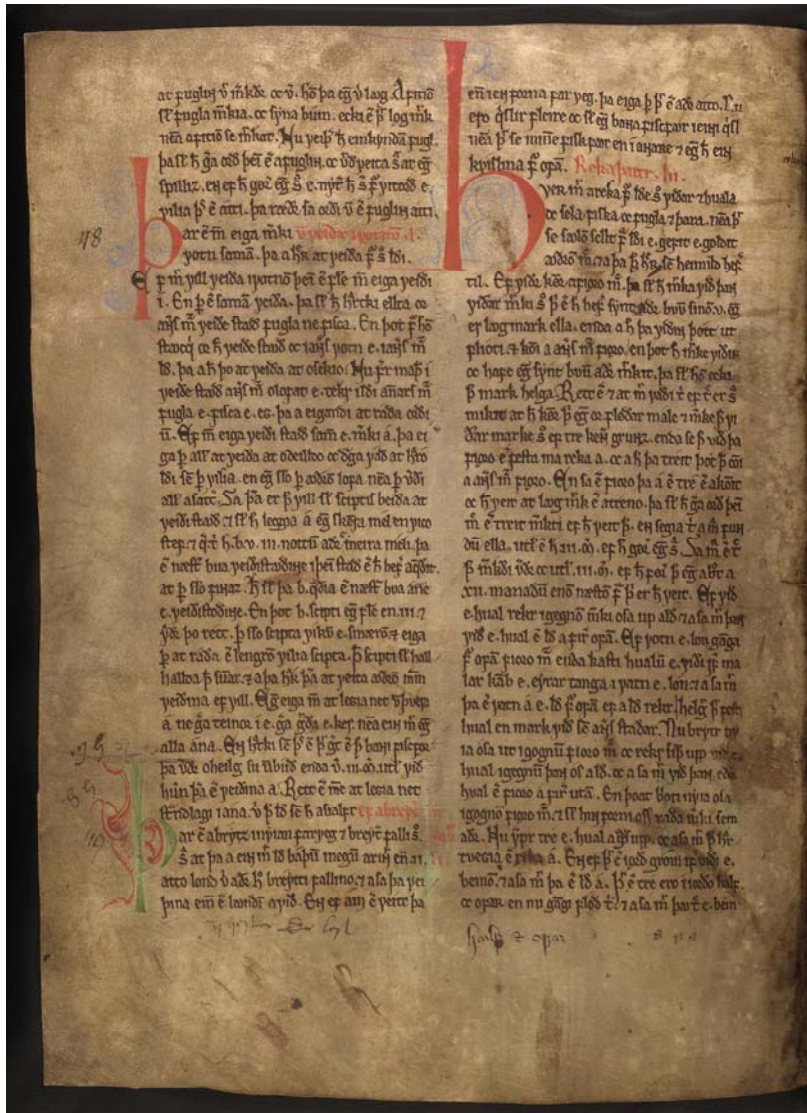


Fig. 30. AM 334 fol., f. 87v.  
Medium-sized pen-flourished initial ›h‹ and rubric ›Rekapattr .lii.‹.

Folio	Initial	Vertical indentation (lines)	Horizontal indentation (characters)	Total vertical extension (lines)	Section in the 2005 edition	Translation
92v	<b>I</b>	0	0	19	[Þingfarabálkr]	Assembly Attendance Section
93va	<b>P</b>	5	11	27	[Kristindómsbálkr]	Christian Laws Section
94va	<b>P</b>	2	4	10	[Mannhelgi]	Personal Rights Section
95vb	<b>S</b>	7	12	10	[Mannhelgi, art. 11]	
99ra	<b>F</b>	2	3	7	[Kvennagiftingar]	Marriage Section
100ra	<b>S</b>	7	15	12	[Erfðatal]	Inheritance List
102ra	<b>H</b>	3	5	7	[Landabrigðabálkr]	Land Claims Section
105ra	–	–	–	–	[Rekabálkr] <sup>33</sup>	Drift Rights Section
105rb	<b>P</b>	2	4	9	[Kaupabálkr]	Trade Section
107va	<b>U</b>	4	10	5	[Þjófabálkr]	Theft Section

Table 3. *Járnsíða*: Initials in Staðarhólsbók and the textual structure in the 2005 edition. Major initials are shown in bold.

The parts of *Járnsíða* that are marked by major initials correspond to the beginning of *Þingfarabálkr*, *Kristindómsbálkr*, *Erfðatal* and *Þjófabálkr* as well as article 11 of *Mannhelgi*.<sup>34</sup> The beginning of *Rekabálkr* has been lost and it is therefore not possible to ascertain whether this part was introduced by a major initial. The first article of *Mannhelgi*, and the beginnings of *Kvennagiftingar*, *Landabrigðabálkr* and *Kaupabálkr*, are not marked as new sections in the manuscript; the articles begin with minor initials that stand out from the others neither in terms of size, nor in terms of decoration.

The use of major initials in *Járnsíða* is thus only partially connected to a change of subject. Some changes of subject are not indicated by major initials or any other material feature. The beginning of *Mannhelgi* on folio 94v, on the other hand, is not marked by a major initial although the

<sup>33</sup> It is not possible to ascertain whether or not *Rekabálkr* was introduced by a major initial, as the beginning of *Rekabálkr* is in the middle of a lacuna after f. 104.

<sup>34</sup> There are no obvious textual reasons why article 11 of *Mannhelgi* is introduced by a major initial, as there is no change of subject at this point in the text.

text reads »Þat er fyrst imannhelge varre«,<sup>35</sup> but a major initial accompanies its eleventh article. The subjects that are not introduced by major initials in *Járnsíða* correspond to those sections of *Grágás* that are accompanied by tables of contents, as illustrated in Table 4.

Tables of Contents in <i>Grágás</i>	Subjects not introduced by major initials in <i>Járnsíða</i>
Festa þáttir	Kvennagiftingar
Um fjárleigur	Kaupabálkr
Vígslóði	Mannhelgi
Landabrigðisþáttir	Landabrigðabálkr

Table 4. Sections that are preceded by tables of contents in *Grágás* and subjects not introduced by major initials in *Járnsíða*.

While the scribes of *Grágás* made the contents of these four sections of the law-book accessible by introducing the tables of contents before the text, the scribe of *Járnsíða* did not consistently highlight the corresponding sections in the new law-book.

### Paratextual Tools in Icelandic, Scandinavian and Continental Legal Manuscripts

When taking into account the use of paratextual elements in Scandinavian and continental legal manuscripts, the materiality of *Staðarhólsbók* appears to be even more conspicuous: originating from the scholastic tradition of the late twelfth century, the use of tables of contents and numbered rubrics is widespread in medieval manuscripts of Canon and Roman Law, the Low German *Sachsenspiegel*, and also the Danish legal manuscript tradition.<sup>36</sup> Even the oldest Danish legal manuscripts – including Holm C 37, the oldest manuscript of *Jyske Lov* dated to c. 1276 – contain tables of contents which virtually always contain numbered titles, which in most cases correspond to those shown in the text.<sup>37</sup> Norwegian and Swedish legal manuscripts from the earliest period also have a high

<sup>35</sup> [This is the first [article] of our [section] Mannhelgi]. All translations are by the author, unless stated otherwise.

<sup>36</sup> See MÜLLER: 1991, ROUSE and ROUSE: 1990; SEIDEL: 2008.

<sup>37</sup> ROHRBACH: 2010, 126–127. On Holm C 37, see ANDERSEN in this volume.

percentage of tables of contents, although they are not as ubiquitous as the Danish material.<sup>38</sup>

Concerning paratextual elements, the legal manuscript tradition in Iceland differs from those in the three Scandinavian countries and the continent. Only a minority of the medieval manuscripts of *Jónsbók* contain tables of contents – 10 out of 72 manuscripts dated to 1281–1550 – which nearly exclusively have been added in the fifteenth century or later.<sup>39</sup> AM 347 fol., Belgsdalsbók, dated to c. 1350, is the only manuscript from the fourteenth century with a Table of Contents with numbered titles (ff. 4v–8r) that was written by the main scribe or a contemporary. A unique case in the *Jónsbók* tradition, this Table of Contents refers not only to *Jónsbók*, but also to the remaining original parts of the codex, that is, Bishop Árni's Church Law (ff. 1r–4r), King Eiríkr Magnússon's amendment of 1294 (ff. 64r–66v) and *Kristinna laga þáttur* of Grágás (ff. 66r–84v).<sup>40</sup> Article rubrics are common in Icelandic legal manuscripts from the beginning of the transmission of complete codices from the thirteenth century onwards, but numbered rubrics only appear in a few manuscripts of *Jónsbók*, and in most cases the numbering seems to have been added considerably later.<sup>41</sup> Konungsbók is a better representative of the Icelandic legal manuscript tradition in terms of paratextual techniques. Being also in folio-format with 35 lines per page, it features articles with unnumbered rubrics, if not throughout the manuscript at least more consistently than Staðarhólsbók, but does not contain tables of contents.<sup>42</sup>

<sup>38</sup> On the Swedish tradition, see WIKTORSSON: 1989.

<sup>39</sup> ROHRBACH: 2009, 811.

<sup>40</sup> The ecclesiastical statutes at the end of the codex (ff. 85r–98v) have been added later (c. 1360–1370) and not included in the Table of Contents.

<sup>41</sup> Unnumbered article rubrics are ubiquitous, if not always consistent, in Icelandic legal manuscripts. The oldest manuscript of *Jónsbók*, AM 134 4to (c. 1281–1290), has article rubrics throughout the text. Numbered rubrics appear for instance in AM 343 fol., Svalbarðsbók (c. 1330–1340), in which Roman numerals have been added in the margins in a red ink that is different from that in the rubrics. The dating of the Roman numerals presents difficulties. Article numbers also appear in a digest of *Jónsbók*, *Saktal í Jónsbók*, that is transmitted in Icelandic legal manuscripts from 1350 onwards, Amarbælisbók, AM 135 4to (c. 1350), and Skarðsbók, AM 350 fol. (1363), being the oldest text-witnesses. On this digest see ROHRBACH: 2013, 196–197, and MÁR JÓNSSON 2004: 32.

<sup>42</sup> For a thorough discussion of the material arrangement of Konungsbók, see BOULHOSA in this volume.

According to Stefán Karlsson, *Konungsbók* is written from folio 7 onwards by hand A of *Staðarhólsbók*.<sup>43</sup>

The existence of articles with numbered rubrics and tables of contents with numbered titles in *Staðarhólsbók* is thus conspicuous. The main scribe of *Grágás* was obviously well acquainted with the state of the art in continental legal manuscripts and made use of these techniques in order to make the contents of selected parts of the text readily accessible. Even though it is possible that there were older Icelandic legal manuscripts, now lost, with numbered rubrics and tables of contents that pre-date *Staðarhólsbók*, the tradition behind the manuscripts of *Jónsbók*, which throughout the fourteenth century do not have tables of contents, supports the hypothesis that the materiality of *Staðarhólsbók* is unique within the Icelandic context. If Stefán Karlsson is right about the main scribe of *Staðarhólsbók* writing *Konungsbók*, the fact that those techniques were not used in the latter supports the hypothesis that the scribe used these paratextual tools in *Staðarhólsbók* – maybe even for the first time in the history of the recording of Icelandic laws – in order to highlight the contents of selected parts of the law, namely, those sections that he presented with tables of contents in the beginning. It is possible, thus, that the scribes used tables to make the Icelandic laws accessible to readers who were less familiar with them.

### The Function of *Dómakapítuli* in the Codex

Folio 11 of *Staðarhólsbók* provides further insight into the conception of the codex as a whole. *Dómakapítuli* appears as a separate unit only in *Staðarhólsbók*; in *Jónsbók* and the Norwegian *Landslog* – the Norwegian Law of the Realm which was promulgated in 1274 and served as a textual basis for many provisions of *Jónsbók* – it is article 17 of *Mannhelgi*. In *Járnsíða*, on folio 98v of *Staðarhólsbók*, only its first words are written down and introduced by an indented minor initial ›E‹ that occupies two lines (Fig. 31): ›EN af þui at logboc vattar sua við«. <sup>44</sup>

<sup>43</sup> STEFÁN KARLSSON: 1976, 21.

<sup>44</sup> [Because the law-book indicates in many places].

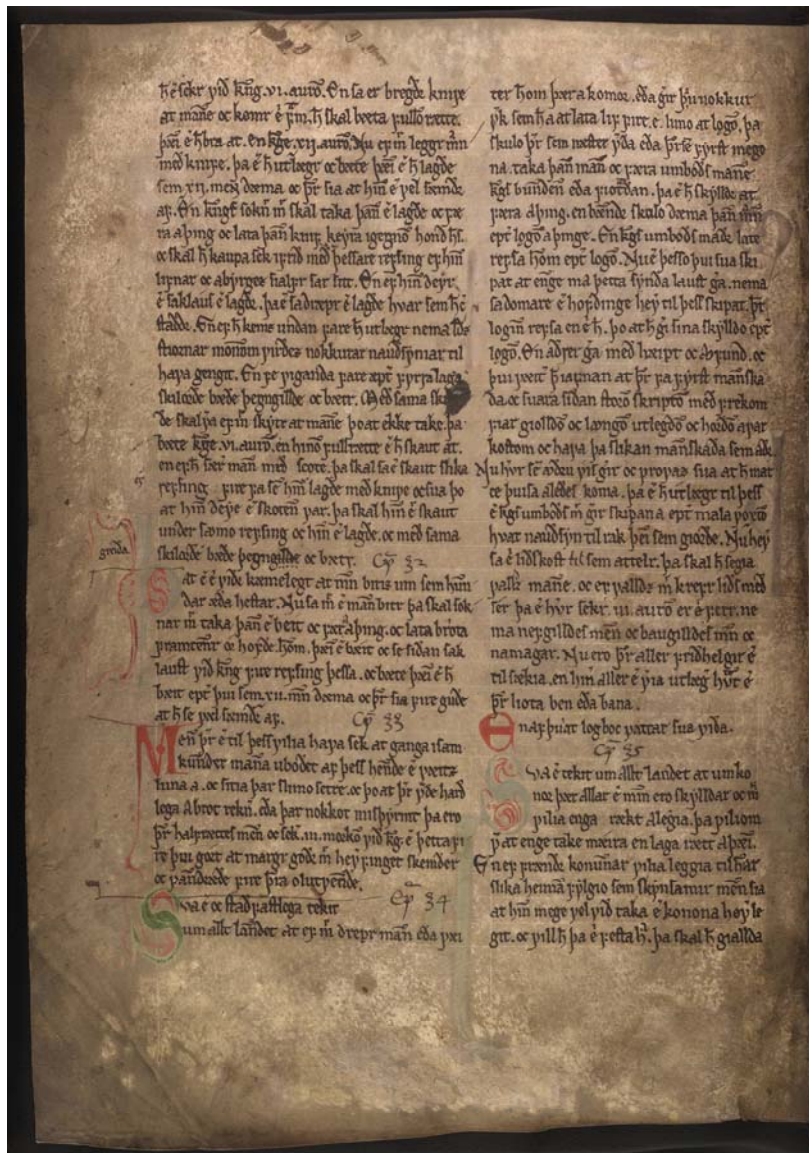


Fig. 31. AM 334 fol. f. 98v. Minor initial ›E‹ at the beginning of *Dómakapítuli* in *Járnsíða*, in which only the first words of the article have been written down.



Ólafur Lárússon argues that the partial omission of *Dómakapítuli* in *Járnsíða* shows that the manuscript cannot represent the original version of the law-book, as the original would either not list the article or would have the complete article.<sup>45</sup> This conclusion seems plausible, but the question remains why the whole article was not written down on folio 98v.

*Dómakapítuli* tells how judges should carry on their duties; it urges them to judge carefully and rightfully. Judges are reminded that their demeanour will be appraised on doomsday and that they should always follow God's commandments in their judgments:

EN af þui at logbok vattar sua viðá. at þa menn sem til refsinga hafa gort. skal á þing fõra og dõma og eptir þæim dome refsing aleggja. þa berr þæim invirðelega at ranzaka er til doma ero teknir ok með mikilli hofsemð at meta huart misgort er við saklausan mann. Æða firi littler sakir ok þo firi nokorar. æða miklar. ok þo æigi nogar. æða sua nogar at full nauðsyn þikki hafa til rekit. (f. 1r)<sup>46</sup>

æn þui er domrinn nefndr til. at þa skal ranzsaka. ok meta sakir og misgjorningar. ok temprá sua dominn. eptir mala voxtom. sem þing menn og rettarenn sia rettlegaz firir guði ok þæir vilia suara fyrir guði eptir sinni samvizku. æn æigi sem margr snapr hefir suarat her til. at þæir dõma ækki annat æn log. þui at sannlega skolo þæir þui suara sem log vatta þæim ahendr er vanda menn lata údõmða abrott fara. ef vanrefst er af hende domarans. ok sua ef of refst er þæim miskunnar ero verðir af þarnan þeirra tillogo Finnaz ok nog dõme til þess at þæir menn hafa lotið harðar hefndir af guði er vandõmt hafa æn þo þæir harðare er ofdõmt hafa (f. 1r)<sup>47</sup>

45 ÓLAFUR LÁRÚSSON: 1936, II.

46 [Because the law book indicates [in many places] that those men who have made themselves liable for punishment are to be brought to the assembly, judged and punished in accordance with a judgment, then it is fitting for those who are appointed to the court to examine thoroughly and consider carefully the circumstances of each case: whether someone has acted against an innocent man; whether there was some cause, albeit a trivial one; whether there was more significant provocation, albeit still not sufficient; or so sufficient a cause that utter necessity seems to have driven him to it] (*Jónsbók*: 2010, 6r; the changes in square brackets are by the author. Jana Schulman's translation of *Jónsbók* has been used as the text in *Staðarhólsbók* is similar to the text in AM 351 fol., *Skálholtsbók eldri*, except for minor differences).

47 [The court is appointed to examine and evaluate causes and crimes and temper the judgment according to the circumstances of the case in such a way that the assemblymen and the justice find most just before God and they will be responsible [before God] according to their consciences. It is not, as many a fool has maintained, that they do nothing more than declare the law. In truth, they shall be responsible for interpreting what the law indicates against those who allow evil men to go free without a judgment,

The article continues with a discussion of the four virtues that must inform every judgment which strives to be pleasing to the eyes of God: mercy (›miskunn‹), truthfulness (›sannynde‹), justice (›retvisi‹) and peacefulness (›friðsemi‹). The rebuke against excessive merciless judgments shows, terminologically as well as semantically, influences from the contemporaneous scholastic discourse on cruelty and mercy, as prominently articulated in Thomas Aquinas's *Summa theologica*, written in 1265–1273, which drew on Seneca's moral treatise *De clementia*, written in AD 55 for his pupil, Emperor Nero.<sup>48</sup>

*Dómakapítuli* thus opens up a salvation-historical perspective of the law and falls neatly into line with contemporary theological and juridical discourses from the continent. Counterparts to the admonishments articulated in the article are found, for instance, in the prologues of the two vernacular law-books, *Sachsenspiegel* and *Jyske Lov*, both written in the first half of the thirteenth century. Both the rhymed preface and the *Prologus* of *Sachsenspiegel* make reference to God as judge:

Alle lute mane ich dar zu,  
daz si diz buch nutzen also,  
Daz ez in zu eren nicht missesta  
unde ouch genedichliche erga,  
Daz si nicht ruwe de vart,  
wen got den spigel ummekart  
Unde uns mischet zu der erden  
unde lonen sal nach werden.<sup>49</sup>

Got ist selber recht. Dar umme ist im recht lip. Dar umme sen se sich vor all,  
den gerichte von gotishalben bevolen si, daz si also richten, daz gotis zorn unde  
sin gerichte genedicliche obir se gen muze.<sup>50</sup>

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if one is punished by the judge too mildly, if those are punished too harshly who are deserving of mercy – in the absence of the judge's guidelines. Sufficient examples of this may be found that they have received harsh punishments from God for this who have judged too mildly, but they still harsher who have judged too harshly] (*Jónsbók*: 2010, 63; the changes in square brackets are by the author).

48 THOMAS VON AQUIN: 1993, 192–194 (Quaestio CLIX); SENECA: 1995. See also BOULHOSA: 2013, 178–179.

49 *Sachsenspiegel*: 1999, 24. [I urge everybody to use this book so that it does not diminish his honour and will lead to grace, so that they do not regret the journey, when God turns the mirror and blends us with earth and repays according to merit].

50 *Ibid.*, 28. [God is law himself. Therefore he cares about the law. Therefore everybody who is appointed to the courts on behalf of God should be careful to judge so that the wrath of God and his judgment will be graceful].

In the Danish *Jyske Lov*, the responsibility of worldly rulers towards the Holy Church is emphasized by an implicit reference to the doctrine of the two swords by Gelasius;<sup>51</sup> with a reference to the Last Judgment, it also has a stronger cautionary nature:

Thet ær kunungs æmboth oc hōfthings thær i land ær, at gōmæ dóm oc gōræ ræt. oc frælsæ them thær mæth wald thuyngæs, [...] oc latæ illæ men thær ey wilæ rætæs. i hans land ey lifuæ, for thu at thær han pinær æth dræpær u dæthæs men, tha ær han gudz thianestæ man [...] Thet sculæ oc witæ allæ wærælz hōfthung. at mæth thet wald thær guth saldæ them i hand i thæs wæræld. tha saldæ han oc them sin hælugh kyrki at weriæ for alt thet thær bethæs. æn worthæ the glōmōnd æth wildugh oc weriæ ey sum ræt ær, tha sculæ the a domæ dagh swaræ af kyrkiæns frælsæ oc landzæns frith for theræ sculd i theræ timæ.<sup>52</sup>

Neither *Landsløg* nor any of the Icelandic law-books contain a prologue of the kind found in the *Jyske Lov* or the *Sachsenspiegel*, with their broader discussion of the ulterior scope of worldly law and justice. With its programmatic character, *Dómakapítuli* functions as a prologue, especially as it is written down on the first folio of *Staðarhólsbók*.

Bearing in mind Stefán Karlsson's warning that it is hardly possible to date a hand on palaeographic grounds more exactly than to a period of about fifty years,<sup>53</sup> the traditional dating of *Dómakapítuli* on folio 1r to c. 1300 may be questioned. Although written in a different hand, there is no palaeographic evidence that prevents us from suggesting that the writing of folio 1r was relatively contemporaneous to that of the rest of the manuscript. On the contrary, the writing of the first words of the article within the text of *Járnsíða* supports the idea that the article was deliberately left out because it was meant to be placed elsewhere, namely, ahead of the two law-books in order to function as a legal-philosophical prologue to the laws.

<sup>51</sup> On the reflection of this doctrine in fourteenth century's illustrations in Norwegian and Icelandic legal manuscripts, see JOHANSSON and LIEPE in this volume.

<sup>52</sup> *Jyske Lov*: 1933, 9–14. [It is the duty of the king and the chieftains in the country to judge and provide justice and release for those who are forced with violence [...] and to not let evil men who refuse judgment live in his country, because when he tortures or kills villains, then he is God's servant [...] All worldly chieftains shall know that together with the power that God gave them in this world, he also gave them the duty to protect His Holy Church against all odds. But if this is forgotten or neglected and the church not duly protected, then they will have to take responsibility on Judgment Day for the immunity of the Church and the peace of the land in their time].

<sup>53</sup> STEFÁN KARLSSON: 1999, 146.

### Staðarhólsbók – Matrix of the Law?

The material arrangement of Staðarhólsbók supports Sigurður Líndal's hypothesis that the writing of *Grágás* and *Járnsíða* was reasonably contemporaneous, and this might have also been the case with *Dómakapítulli*. The great number of hands that have been identified in the *Grágás*-part of the codex led Ólafur Lárusson to conclude that Staðarhólsbók came into being at a chieftain's residency, a monastery or one of the two Episcopal sees, Hólar or Skálholt, where several trained scribes were present.<sup>54</sup> Stefán Karlsson followed this up and singled out the priest Þórarinn kaggi, who died in 1283, as a likely candidate for the main hand of Staðarhólsbók, Konungsbók and Kringla (Lbs frg 82).<sup>55</sup> The idea of a scribal collective involved in the writing down of the *Grágás*-part of Staðarhólsbók may be extended to the making of the whole codex, but the materiality of the codex suggests a learned background rather than a chieftain's residency. The main scribe of Staðarhólsbók and his auxiliaries were familiar with contemporary tools of literacy as established in the scholastic tradition of manuscripts of the Bible and Canon Law, and employed them in the arrangement of the text of *Grágás*. The fact that the scribe of Staðarhólsbók made use of numbered rubrics and tables of contents in the arrangement of *Grágás* supports the idea that the manuscript was addressed to readers acquainted with literacy practices, but not necessarily with the Icelandic legal tradition. The sudden appearance of tables of contents from *Festa þáttr* onwards might have been caused by a change of source, but the coinciding absence of article rubrics in these sections suggests that the scribes favoured the use of tables at the expense of using rubrics, or numbered rubrics, in the text. The scribes chose to make the contents of these sections of *Grágás* accessible perhaps because their intended audience was not fully acquainted with them.

The use of tables of contents and numbered rubrics to structure the *Grágás*-text in Staðarhólsbók is exceptional within the Icelandic context.

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<sup>54</sup> ÓLAFUR LÁRUSSON: 1936, 13.

<sup>55</sup> Þórarinn was a member of the Sturlung family, grandnephew of Snorri Sturluson and connected to Kolbeinn Bjarnason, whose family probably owned Staðarhólsbók as there are notes that are connected to his family in a fourteenth century hand on f. IIva, lines 8–13. STEFÁN KARLSSON: 1976, 23–24; GUNNAR KARLSSON: 1992a, xvi. ÓLAFUR LÁRUSSON: 1936, 7 is sceptical about the connection of Staðarhólsbók with the family of Kolbeinn Bjarnason.

The material arrangement of the two law-books in Staðarhólsbók might reflect the Icelanders' degree of contentment with different parts of *Járnsíða*. According to the Icelandic annals and *Árna saga biskups*, it took two years for all parts of *Járnsíða* to be adopted at the General Assembly, though the sources do not provide reasons for this gradual adoption.<sup>56</sup> It has been debated whether this long process was connected to Icelandic discontentment or to the scattered pattern of settlement in Iceland. Whether Icelandic discontentment with *Járnsíða* or a royal legislative reformatory vision was the main motivation behind the composition of the new law-book, *Jónsbók* has more provisions from *Grágás* than *Járnsíða*. Ólafur Lárússon singles out *Kvennagiftingar*, *Landabrigðisbálkr* and *Landsleigubálkr* as parts of *Jónsbók* that most extensively adopted provisions from *Grágás*.<sup>57</sup> As seen above, these three sections, together with *Mannhelgi*, deal with subjects which are not introduced by major initials in *Járnsíða*, while the corresponding sections in *Grágás* are introduced by lists of the contents. The level of influence from *Grágás* in these sections of *Jónsbók* and their material presentation in both law-books of Staðarhólsbók supports the hypothesis of a concerted recording of *Grágás* and *Járnsíða* at a late date, that is, closer to 1281 than to 1271.

The late dating is also supported by the absence of both table of contents and article rubrics in *Kristinna laga þáttr*, which at least in theory was out of date after the adoption of the new Icelandic Church Law composed by Bishop Árni Þorláksson of Skálholt in 1275.<sup>58</sup> *Kristinna laga þáttr* is the only section of *Grágás* which was not used as a model in the compilation of *Jónsbók*, partially because of the adoption of the new Church Law, and partially because King Magnús Hákonarson was in a long dispute with Archbishop Jon Raude over the primacy of secular and ecclesiastical laws in the years preceding the promulgation of *Landslög*

<sup>56</sup> Sigurður Línal provides a detailed survey of the different accounts on the adoption of *Járnsíða* in the Icelandic annals and *Árna saga biskups* (SIGURÐUR LÍNAL: 1988, 285–289).

<sup>57</sup> ÓLAFUR LÁRÚSSON: 1923, 66.

<sup>58</sup> Many fourteenth-century Icelandic legal manuscripts contain *Kristinna laga þáttr* of *Grágás*, and scholars have debated whether Bishop Árni's Church Law was accepted in the southern diocese of Skálholt in 1275, and in the Northern diocese of Hólar only following a letter of King Magnús Eriksson in 1354. For a survey of scholarship, see MAGNÚS LYNGDAL MAGNÚSSON: 2004, 66–67 and 81–82.

(1274) and *Jónsbók* (1281), which led to the omission of ecclesiastical laws in both law-books.<sup>59</sup>

The analysis of the material arrangement of *Staðarhólsbók* suggests that the codex as a whole was meant to work as a matrix, a model for a new law-book, which might have been intended for the legal experts at the court of King Magnús Hákonarson. This does not necessarily imply that *Staðarhólsbók* was the actual manuscript that was used when *Jónsbók* was compiled, but it is without doubt a compilation of a highly programmatic character. The material arrangement of *Grágás* and *Járnsíða* seems to be interrelated. The scribes of *Staðarhólsbók* made the Icelandic laws from the Commonwealth-period and the new law-book *Járnsíða* accessible in a single codex. The position of *Dómakapítuli* at the beginning of the codex transforms the collection of laws into a law-book with a prologue in the continental format.

*Staðarhólsbók* is the materialisation of an idea of what the new law-book should look like, embedding the Icelandic laws within the continental legal tradition by means of paratextual tools and the ›invention‹ of a prologue. The idea was not successful – at least when it comes to the paratextual framework of the new law-book: *Jónsbók* does *not* have a programmatic prologue, but only the sober letter of King Magnús; *Dómakapítuli* is back in the middle of *Mannhelgi*, and tables of contents and numbered rubrics only become common elements in manuscripts of *Jónsbók* from the end of the fifteenth century onwards.<sup>60</sup>

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59 MAGNÚS LYNGDAL MAGNÚSSON: 2004, 47–49. The almost complete absence of rubrics and tables of contents in this section does not necessarily imply that the scribe did not strive to provide a diligent text of the old Icelandic Christian Laws, but the materiality of this section does not offer the possibility of a survey over, or the retrieval of, individual articles in the text. Cf. BOULHOSA: 2012, who argues that the contents and layout of *Kristinna laga þátr* in *Konungsbók* and *Staðarhólsbók* show that a revision effort is behind the recording of *Staðarhólsbók*.

60 Many fourteenth-century manuscripts of *Jónsbók* exhibit similar attempts to provide a salvation-historical framework to *Jónsbók* by means of pictorial motifs or excerpts from the Bible; see SCHNALL: 2005; ROHRBACH: 2013; JOHANSSON and LIEPE in this volume.

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KARL G. JOHANSSON/LENA LIEPE  
Text and Images in Norwegian and Icelandic  
Fourteenth-Century Legal Manuscripts

Introduction

There are few studies of Old Norse-Icelandic illuminated manuscripts, and they generally focus on inventorying and providing catalogues of various kinds of illuminations and their presumed place of origin. It is only in recent years that the relation between illuminations, rubrics and text has come into focus. At first glance, the scarcity of illuminations in the Old Norse-Icelandic material might be discouraging, but there are good reasons to scrutinise the extant material. In this article, we will analyse the relation between illuminations and text in two legal codices, Codex Hardenbergianus, GKS 1154 fol., which contains Magnús lagabœtr's *Landslög (MLL)*, the Norwegian Law of the Realm from the late thirteenth century, and Skarðsbók, AM 350 fol., which contains the Icelandic *Jónsbók*. These two codices are dated to the third quarter of the fourteenth century and both are well-known for their costly illuminations. Two other Icelandic manuscripts of *Jónsbók* will be used, AM 347 fol. and AM 343 fol., as they may be related to the two primary manuscripts with regard to their use of iconography and, to a certain extent, the texts.

The illuminators' choice of motifs in Codex Hardenbergianus and Skarðsbók differ significantly. Our main argument is that the different iconographic programmes of the two manuscripts might reflect distinctions in their approaches to the law itself. As will be seen, aspects of royal power and the interrelation between king and archbishop are highlighted by the iconography in the Norwegian codex, while the Icelandic manuscript seems to put more emphasis on the importance of Christian doctrine for the legitimacy of royal judicial authority. On the other hand, most, if not all, written matter in the period under discussion is to some degree related to Christian doctrine and ideas. The two strategies which have been employed in these codices should not necessarily be taken as evidence of an absolute dichotomy between a Christian perspective and a purely secular understanding of the law. The religious element is conspicuously present in the overall legislative framework of both codices:

what dissimilarities there are must be seen as representing a difference in degree rather than profound contradistinctions.

The present investigation is not conclusive. We have undertaken a case study from the combined perspectives of the art historian and the philologist, and argue that this approach opens new perspectives for the understanding of a manuscript culture in which text and illuminations interrelate to create meaning. Further studies along the lines discussed here would need to be supported by theological and historical approaches in order to provide a more conclusive interpretation. Future research would also extend the present study, which focuses only on the first three sections of the legal texts, to an analysis of the whole manuscripts, in order to ascertain whether our findings are valid for the law-books as a whole.

### The Manuscripts

The two main manuscripts treated in this article, AM 350 fol. (Skarðsbók) and GKS 1154 fol. (Codex Hardenbergianus), are among the most well-known representatives of the *Jónsbók* and *MLL* traditions respectively. As comparative material we have included AM 343 fol. (Svalbarðsbók) and AM 347 fol. (Belgsdalsbók). A concise survey of all manuscripts will be given below.

Skarðsbók is one of the more impressive Old Icelandic folio manuscripts from the second half of the fourteenth century.<sup>1</sup> Unusually for Old Icelandic manuscripts, its dating is relatively uncontroversial as the main scribe provides the date of 1363 for his work (on f. 149r). The manuscript also contains later additions which can be dated to the sixteenth and seventeenth centuries.<sup>2</sup> The original part of the manuscript consists of a full redaction of *Jónsbók* (ff. 1v–72). On folios 18–23, a lacuna has been filled by a later, probably sixteenth-century, hand. The *Jónsbók* text is followed by amendments (*réttarbætr*) from the thirteenth and fourteenth centuries (ff. 72r–90v) and the law of the Norwegian Royal Retinue, *Hirðskrá* (ff. 90v–107r). Then follow *Kristinréttir Árna biskups* (ff. 107v–121), Bishop Árni's Church Law, and what Kristian Kálund describes as »Gejstlige

<sup>1</sup> See MÁR JÓNSSON in this volume, 27.

<sup>2</sup> *Ordbog over der norrøne prosasprog. Registre* (ONP): 1989, 295.

anordninger, statuter og andre kirkeretlige optegnelser« (ff. 121r–148).<sup>3</sup> The main focus of this study is *Jónsbók*, but other parts of the manuscripts are also relevant for the understanding of the whole context.

GKS 1154 fol. consists of 102 leaves, and can be divided into three different parts which were probably not bound together until the fifteenth century at the earliest, that is, considerably later than the production of its oldest part. The first part (the oldest), gatherings 1–14 (ff. 1–60), contains a Gulathing redaction of Magnús Hákonarson's *Landslög* (on ff. 11v–59r). The second part, folios 61–91, is written in a slightly later hand, and dated to the end of the fourteenth century or the early fifteenth century. A third, considerably later hand appears on folios 92–102: this hand is dated to after 1521.<sup>4</sup>

The oldest part of the manuscript is almost contemporary to, or a couple of decades older than, *Skarðsbók*.<sup>5</sup> Flom dates it to c. 1340 and states that it has most probably been produced in Bergen or Western Norway.<sup>6</sup> Stefán Karlsson suggests that there is an indirect relation between AM 350 fol. and GKS 1154 fol.<sup>7</sup> The first hand in the latter, on folios 1–60, shows great similarities to hand BI (a designation based on Stefán Karlsson's classification for the various parts of the manuscripts) in AM 347 fol., folios 1–94va. Folios 94vb–98 of AM 347 fol. are written in the main hand of AM 350 fol. (BIII). The two Icelandic manuscripts have subsequently been connected to the Augustinian monastery in Helgafell, as the hand of the main scribe of AM 350 fol. has also been identified in AM 239 fol., which contains fifteenth-century marginal notes that are linked to the monastery. The group of manuscripts known as *Helgafellsbækur* consists of 16 manuscripts;<sup>8</sup> the hand of the scribe of *Skarðsbók* is found in nine of them. The scribe had a collaborator with whom he wrote AM 233 a fol. (which contains saints' sagas) and whose hand has been identified in another five manuscripts of the group. The sixteenth

3 KÅLUND: 1889, 285. [Rules for priests, statutes and other ecclesiastical records] (All translations are by the authors unless stated otherwise).

4 For more detailed descriptions of the manuscript see KÅLUND: 1900, 27–28 and RINDAL: 1983, 18–19.

5 ONP, 318.

6 FLOM: 1937, 15. See RINDAL: 1983, 23, who suggests a dating in the second quarter of the fourteenth century and a provenance either in Bergen or Oslo.

7 STEFÁN KARLSSON: 1987.

8 See e.g. *ibid.* and ÓLAFUR HALLDÓRSSON: 1966.

manuscript attributed to the *Helgafellsbækur* is AM 225 fol., which is a direct copy of AM 226 fol.

These scribal connections allow us to work from the assumption that AM 350 fol. and GKS 1154 fol. have to some extent been produced within the same social and political context, though the Norwegian codex has most likely been written in Norway and the Icelandic codex in Western Iceland.

AM 343 fol., *Svalbarðsbók*, is usually dated to c. 1330–1340.<sup>9</sup> It consists of 90 leaves, the last of which has been added at a considerably later date; it contains only *Jónsbók* in a redaction closely related to *Skarðsbók*. The text is written in two columns, as is the case in other contemporary folio manuscripts.

AM 347 fol., *Belgsdalsbók*, is dated to c. 1350.<sup>10</sup> It consists of 98 leaves and contains, in addition to *Jónsbók* (ff. 8r–64r), a fragment of *Kristinréttir Árna biskups* (ff. 1–4r) with a Table of Contents (ff. 4v–8r), *Réttarbót* from 1294 by King Eiríkr Magnússon (ff. 64r–66r), Christian Laws Section, *Kristinna laga þáttir*, of *Grágás* (ff. 66r–84), rules for priests' meetings and archiepiscopal statutes (ff. 85–98), the last in a hand from c. 1400.

As mentioned above, AM 347 fol. has been linked to *Skarðsbók* on the basis of their palaeographical similarities. This may suggest that the producers of these two manuscripts were working within a common tradition, and with the same intentions and motivations. In these circumstances, the dissimilarities between AM 350 fol. and AM 347 fol. are all the more striking. The manuscripts differ from each other with regard to both their treatment of the text and the style and iconography of their illuminations.

### The Illuminations

Each of the four manuscripts in this study contains a number of illuminated initials. AM 350 fol. boasts a total of fourteen historiated initials (excepting the dragon at the beginning of *Kvennagiftingar*, the section on marriage on folio 19r, which is a later addition), embellished with a wealth of foliage sprouting from the letters. The initial at the beginning of King Magnús Hákonarson's Introductory Letter, *Bréf Magnús konungs*,

<sup>9</sup> *ONP*, 294.

<sup>10</sup> *Ibid.*, 295.

displays a representation of the Annunciation in which Gabriel brings the message to Mary that she will conceive and give birth to the Messiah (Fig. 32). The initial at the beginning of the Section on Assembly Attendance, *Þingfararbálkr*, contains a Throne of Grace, in which God the Father is seated behind the cross that bears the crucified Son (Fig. 33). The Divinity seems to be the recipient of a book, presented by a lay person – presumably the donor – kneeling outside the letter frame.<sup>11</sup> At the beginning of the Christian Laws Section, *Kristindómsbálkr*, an initial depicts the Crucifixion, in which Mary and John the Evangelist stand on either side of the cross that bears the body of the dying Christ, twisted in pain (Fig. 34).

The illuminations in GKS 1154 fol. are the most splendid within the material under analysis; they are well executed and contain many fine details and a good deal of gold, in contrast with the Icelandic codices which have no trace of gold. The beginning of the *Prologus* displays a scene of a seated king handing a law-book to his subject, a young man standing in front of him (Fig. 35). The king raises his right hand, his index finger pointing upwards in a gesture of authority and commandment.<sup>12</sup> Beneath the young man's feet and the king's throne are two crouching hybrid animals of a kind that appears very frequently in high medieval manuscripts from Iceland, the continent and the British Isles.<sup>13</sup> The beasts are two-legged and have tails; the one to the left has wings and a long reptilian neck, whereas the one to the right has hairy ears and a double tail. There are also birds, beasts, and a slightly grotesque face in profile in the margins.

In the initial at the beginning of *Þingfararbálkr*, Christ as judge is seated on a rainbow and surrounded by a mandorla (Fig. 36). Two swords come out from his mouth, and beneath him a king and a bishop kneel face to face with raised hands, a gesture that implies devotion and acclamation. The elegant young man in the aedicule above the initial has neither halo nor attributes, but might tentatively be identified as St. John, the author of the Book of Revelation, from where the vision of Christ as judge is taken (see below). On the top of the page, the lower half of an archer aiming at two birds can be discerned, and in the lower margin

<sup>11</sup> SELMA JÓNSDÓTTIR: 1964.

<sup>12</sup> GARNIER: 1982, 167.

<sup>13</sup> See FREEMAN SANDLER: 1997 and RANDALL: 1966.

there is a delightful depiction of a joust in which two knights in golden armour ride at each other. The figure of the ideal knight is fundamental in the courtly culture that was *en vogue* at the Norwegian court at the time, and the whole appearance of Codex Hardenbergianus, with the smiling grace of the figures, the elegance of their gestures and the richness of the flowing draperies of their costumes, can be described as a visual expression of this culture.

The opening initial of *Kristindómsbálkr* contains a king and a bishop turned towards each other (Fig. 37). The king holds an orb and a sword which points upwards as a symbol of his power and legal authority. The bishop is in full vestments, and the remnants of a white pallium that is now faintly visible on the front of his chasuble tell us that he is an archbishop.

In AM 347 fol., *Bréf Magnús konungs* also begins with an initial in which a seated king presents a book to a standing subject (Fig. 38). The general composition is not unlike that of the corresponding initial in Codex Hardenbergianus, although it is simplified in the Icelandic manuscript, with several elements left out. In the lower margin, on the horizontal extension of the tree-shaped descender of the initial, a seated couple entertain themselves with a board game and, to the left, an archer aims at the couple over the head of an ape-like creature or hairy wild man, munching something in its hand. This is another example of a courtly scene that belongs to the same visual repertory as the jousting knights in Codex Hardenbergianus.

The opening page of *Þingfararbálkr* is in a bad state, but it is possible to discern a representation of Christ enthroned. The composition bears a certain likeness to the one in Codex Hardenbergianus, but no swords protrude from Christ's mouth, and neither king nor bishop kneel beneath him. In the historiated initial of *Kristindómsbálkr*, we recognize the standing king and bishop from the corresponding initial in Codex Hardenbergianus (Fig. 39). The same motif appears in both illuminations but the details differ so greatly as to suggest that the illuminators have used different, although related, models for their works.

In AM 343 fol., the initial at the beginning of *Bréf Magnús konungs* shows a representation of the seated king handing the law to his subject that corresponds in all essentials to that of Belgsdalsbók, but here the descender of the initial bears square plates with human heads in profile and does not extend horizontally in the shape of a tree trunk (Fig. 40).

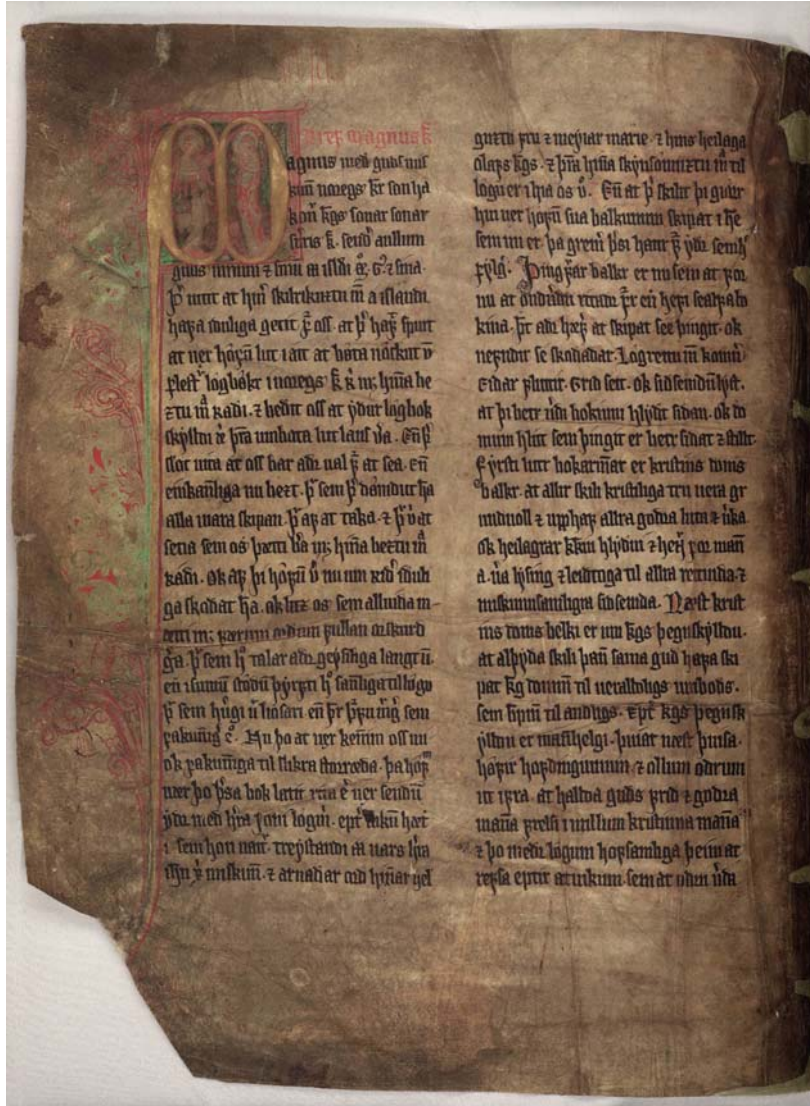


Fig. 32. AM 350 fol. (Skarðsbók), f. 1v, 136v. *Bréf Magnús konungs*.





Fig. 33. AM 350 fol., f. 2r, 1363. Þingfarabálkr.

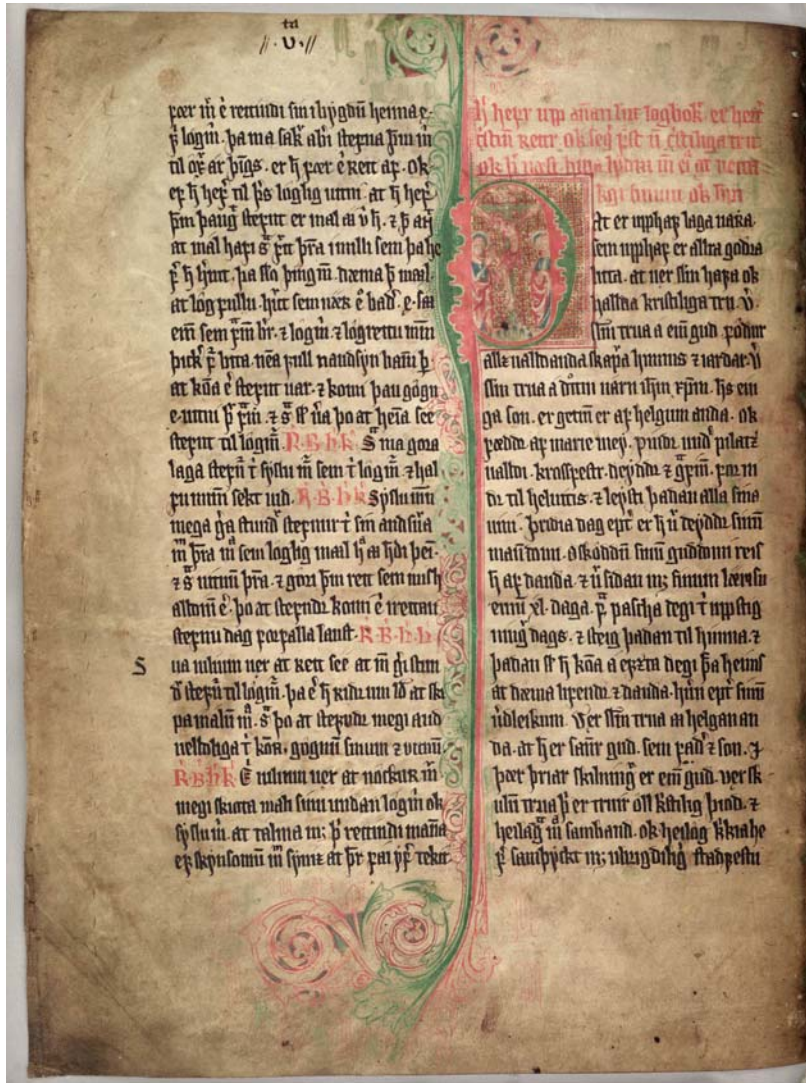


Fig. 34. AM 350 fol., f. 5v, 1363: Kristindómsbálkr.





Fig. 35. GKS 1154 fol. (Codex Hardenbergianus), f. iv, c. 1340–1350. Prologus.



Fig. 36. GKS 1154 fol., f. 2v, c. 1340–1350. Þingfarabálkr.





Fig. 37. GKS 1154 fol. 6r, c. 1340–1350. Kristindómsbálkr.



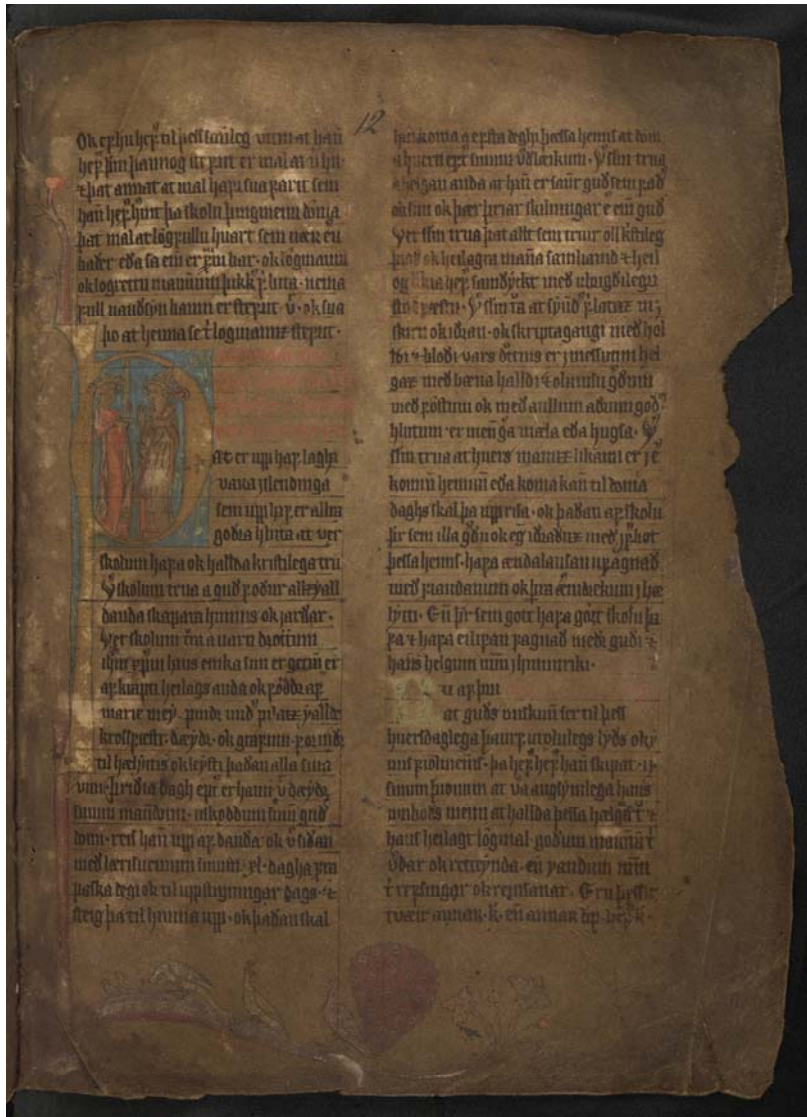


Fig. 39. AM 347 fol., f. 12r, c. 1350. Kristindomsbálkr.



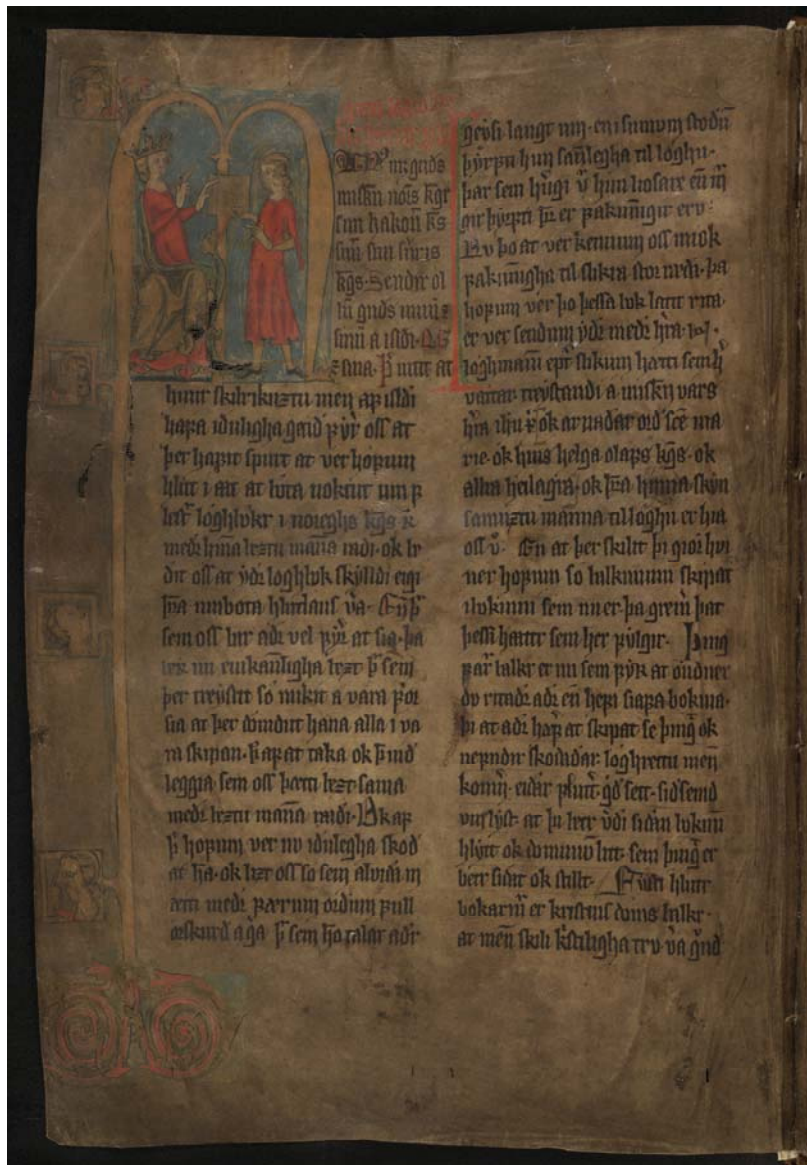


Fig. 40. AM 343 fol. (Svalbarðsbók), f. 1v, c. 1330–1340. *Bréf Magnús konungs*.



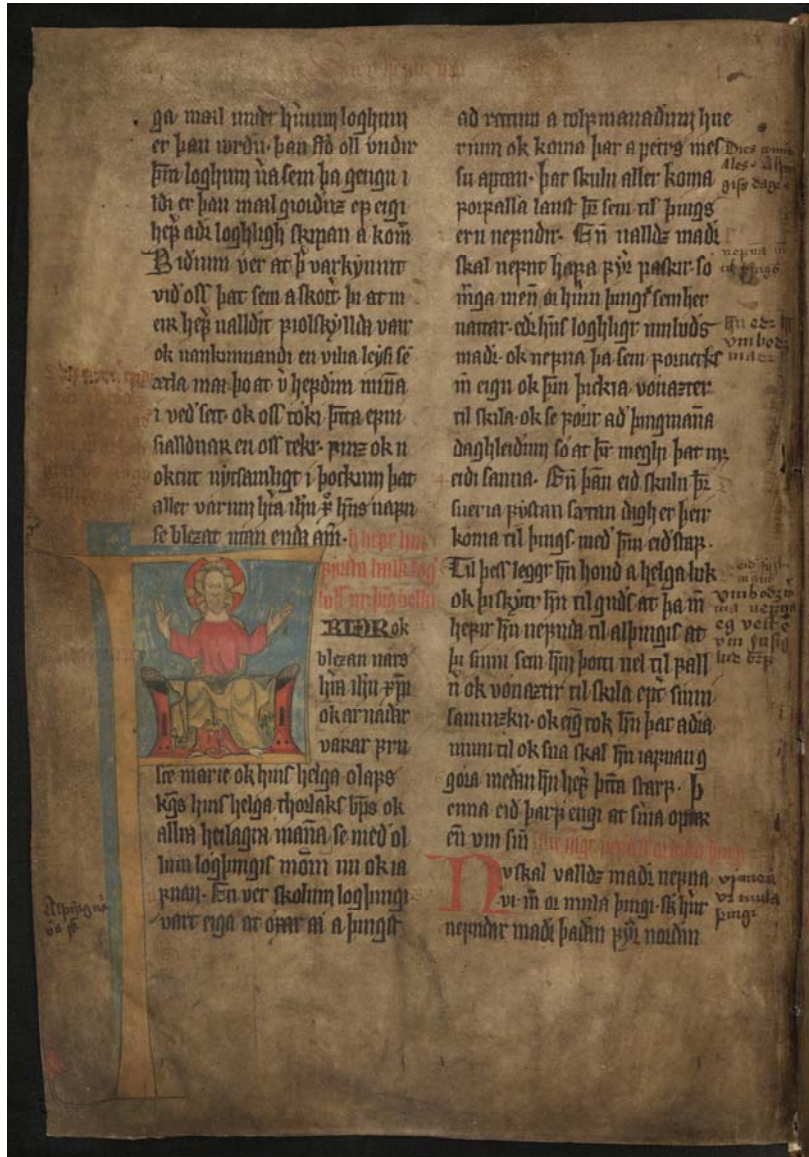


Fig. 4r. AM 343 fol., f. 2v, c. 1330-1340. Þingfararþálkr.

The initial at the beginning of *Þingfararbálkr* in Svalbarðsbók displays Christ enthroned (Fig. 41) and gives a fair impression of what the corresponding initial in Belgsdalsbók might originally have looked like. Thus, judging from the initials in the first two passages of the text, Belgsdalsbók and Svalbarðsbók seem to be closely related, but this does not hold true for the remaining illuminations. The beginning of *Kristindómsbálkr* in Svalbarðsbók has no historiated initial; the composition of the initial of *Mannhelgisbálkr*, the section on penal law, differs completely in the two manuscripts; several sections in Belgsdalsbók have no decorated initials, while Svalbarðsbók displays initials with monsters, beasts and human heads with no obvious relation to the accompanying texts (ff. 24r, 63v, 77v). To complete this brief comparative analysis, it should also be pointed out that the remaining eleven historiated initials in Codex Hardenbergianus are entirely unconnected to the iconographic programme of the two Icelandic codices.

### Previous Research

The illuminations of AM 343 fol. and AM 347 fol. have frequently been analysed by scholarship on Icelandic illuminated manuscripts. According to Halldór Hermansson, the illuminations of both manuscripts are connected to what he terms a ›school‹, centred around the manuscript GKS II54 fol.<sup>14</sup> Guðbjörg Kristjánsdóttir describes them as »to nært beslæktede håndskrifter« [two closely-related manuscripts] and connects them to Codex Hardenbergianus and to the group of manuscripts which has been associated with the Augustinian monastery at Helgafell.<sup>15</sup>

The latest contribution to the study of these manuscripts has been made by Lena Liepe, who acknowledges the common origin of AM 350 fol. and AM 347 fol. in the Helgafell scriptorium.<sup>16</sup> The stylistic differences between the illuminations of the two codices imply separate hands, but a number of parallels in proportions and physiognomies indicate that the illuminator of AM 347 fol. has made a selective use of the models employed for AM 350 fol. (or vice versa). AM 343 fol. shares some of its models with AM 347 fol., but the illuminations of AM 343 fol., which is

<sup>14</sup> HALLDÓR HERMANSSON: 1935, 24–25.

<sup>15</sup> GUÐBJÖRG KRISTJÁNSDÓTTIR: 1997, 95–96.

<sup>16</sup> LIEPE: 2009.

several decades older, belong to a separate stylistic variety, and the significance of the manuscript in this context is limited to that of a possible supplier of iconographic patterns for AM 347 fol. The differences in style and decorative repertory between GKS 1154 fol., on the one hand, and AM 347 fol. and AM 343 fol., on the other, are too great to support the idea of a direct connection between them. The parallels are best understood as the result of a joint application of an iconographic programme for legal texts that circulated in slightly different versions in Iceland and Norway at the time.

The editors of the facsimile edition of GKS 1154 fol. were primarily interested in the Norwegian characteristics of the manuscript and only discussed the relation between the Norwegian and Icelandic codices to a limited extent. Magnus Rindal states: »The norm followed in 1154 I is Norwegian, but there are a few deviations from the norm that must be termed Icelandic.«<sup>17</sup> After a discussion of these deviations he argues:

When added together the Icelandic features in 1154 I are of such significance that there must have been an Icelandic scribe at work at one stage in the process of transmission.<sup>18</sup>

And he concludes: »The conclusion, then, must be that Magnus Håkons-son's *Landslög* in GKS 1154 I fol. was written by a Norwegian, probably from an exemplar made by an Icelander.«<sup>19</sup>

In the introduction to the same edition, Knut Berg mentions the relation between the illuminations in the Icelandic manuscripts, AM 343 fol. and AM 347 fol., and GKS 1154 fol.<sup>20</sup> He concludes:

As we have seen, there are in some illustrated manuscripts of *Jónsbók* from the 14<sup>th</sup> century iconographic parallels to certain illustrations in Hardenberg's Codex which are so close that they certainly go back to the same source.<sup>21</sup>

On the value of the Icelandic manuscripts as comparative material to the Norwegian manuscript, he notes:

In only one area, Iceland, has a relatively rich collection of illuminated manuscripts been preserved. Most of them, however, are later than Hardenberg's

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<sup>17</sup> RINDAL: 1983, 22.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> BERG: 1983, 26–28.

<sup>21</sup> Ibid., 31.

Codex and of such modest quality that they do not provide a suitable basis for comparison.<sup>22</sup>

A Norwegian bias can also be noted in Berg's discussion:

These Icelandic manuscripts undoubtedly have Norwegian models and show that in its style, Hardenberg's Codex can be regarded as representative of a Norwegian manuscript school.<sup>23</sup>

This national perspective on the production and re-production of texts and illuminations may seem old-fashioned today, but it has for a long period presented an obstacle to a more open-minded scholarly approach to the Old Norse material. In this study, we shall strive to avoid anachronistic national borders in order to identify similar tendencies in manuscripts produced both in Norway and Iceland.

### Illuminations and Texts: Different Perspectives, Different Intentions?

The three introductory sections of *Jónsbók* and *MLL* exhibit a high degree of congruency. In the Icelandic manuscripts, the text starts with King Magnús Hákonarson's Introductory Letter addressed to the Icelanders, whereas in the different manuscripts of the Norwegian law, the letter, of similar wording, is addressed to the people of the respective province of Norway. In both letters, the king describes how the legal text has been set up, and how he has answered the demands of the people by offering them a law based on the Christian faith and the knowledge of the wisest men of his realm.

The second section, *Dingfararbálkr*, concerns the assembly (*þing*) and the rules and rights of its members. In each manuscript, the wording is somewhat adjusted to local conditions, but the content is relatively identical.

The last section under scrutiny is *Kristindómsbálkr*. In both law-books this section is primarily concerned with the succession of kings and bishops and the division of power between the two.

As mentioned above, the main scribe in *Skarðsbók* wrote the whole manuscript, with the exception of one quire (ff. 18–23) which replaces the

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<sup>22</sup> Ibid., 33.

<sup>23</sup> Ibid.

now-lost original leaves; this quire has been written down at a considerably later date by a scribe who has arguably copied the now-lost leaves as closely as possible. In *Jónsbók* and *MLL*, the Introductory Letter describes the structure of the law and states that neither the Introductory Letter nor *Þingfararbálkr* should be seen as parts of the law proper; the text in *Skarðsbók* reads: »Þingfarar bálkr er nu sem at fornu at öndverðu ritaðr fyrir enn hefi sealfa bokina« (f. 1v).<sup>24</sup>

The laws in this section, thus, were seen as a sort of preface to the law-book in connection to the Introductory Letter. The actual law begins with *Kristindómsbálkr*: »Fyrsti lutr bokarinnar er kristins doms bálkr« (f. 1v).<sup>25</sup>

This is relevant to our analysis, as the first two sections can be seen as a preamble to the proper first section of the law-book, the important *Kristindómsbálkr*. If the three historiated initials of these three first sections are understood as a meaningful unit, a pattern emerges in which the iconography seems to accentuate certain distinctions in the legal perspective.

An important element of *Kristindómsbálkr* in both *MLL* and *Jónsbók* is the Christian statement of belief, the *Credo*. In this respect, the pictorial programme of *Skarðsbók* deviates markedly from both *Codex Hardenbergianus* and the two Icelandic manuscripts, AM 347 fol. and AM 343 fol.: in *Skarðsbók*, the initials of all three introductory sections seem to refer explicitly and prominently to the *Credo*.

As mentioned above, *Skarðsbók* starts with the Introductory Letter from King Magnús Hákonarson. Although the historiated initial shows the Annunciation (Fig. 32), no mention of this crucial event appears in the text, not even as an associative reference. However, the *Credo*, with its declaration of faith in the conception and birth of Christ, appears in the introduction to *Kristindómsbálkr*: »vér skulum trúa á dróttin uárn ihesum xpistum, hans einga son. er getinn er af helgum anda. ok fæddr af marie mey« (f. 5v).<sup>26</sup>

<sup>24</sup> [*Þingfararbálkr* is now, as it was earlier, written at the beginning, before the book itself].

<sup>25</sup> [The first part of the book is *Kristindóms bálkr*].

<sup>26</sup> [We shall believe in our Lord Jesus Christ, his [God's] only son, who was conceived by the Holy Spirit and born of the Virgin Mary].

This focus on the Annunciation is not in itself noteworthy. There is, however, a significant correspondence to the last part of the manuscript that was written by the main scribe (f. 150v). He writes a short passage in Latin from Luke 11, in which a woman who has listened to Jesus speaks about His birth and the mother who carried and nursed Him:

(27) Factum est autem cum haec diceret extollens vocem quaedam mulier de turba dixit illi beatus venter qui te portavit et ubera quae suxisti (28) at ille dixit quippini beati qui audiunt verbum Dei et custodiunt (Luke 11: 27–28)<sup>27</sup>

Jesus's answer is relevant here. His reference to himself as *verbum Dei*, the Word of God, is essential to Christian doctrine. The divine Word, *Logos*, that from all eternity is God, has taken flesh and dwelt among men in Jesus Christ. To listen to Christ is to hear the Word of God being spoken, and to follow it leads to salvation; the divine Word being superior to all the words of all the laws of this world. The visual representation of the Word becoming flesh is the Annunciation according to Luke 1:

(26) In mense autem sexto missus est angelus Gabrihel a Deo in civitatem Galilaeae cui nomen Nazareth (27) ad virginem desponsatam viro cui nomen erat Ioseph de domo David et nomen virginis Maria (28) et ingressus angelus ad eam dixit haec gratia plena Dominus tecum benedicta tu in mulieribus (29) quae cum vidisset turbata est in sermone eius et cogitabat qualis esset ista salutatio (30) et ait angelus ei ne timeas Maria invenisti enim gratiam apud Deum (31) ecce concipies in utero et paries filium et vocabis nomen eius Iesum (Luke 1: 26–31)<sup>28</sup>

Thus, the main scribe ends his text with a clear reference to the Annunciation. As the first historiated initial of the codex shows the Annunciation, it is tempting to suggest that the reading of the whole law-book is meant

27 [(27) And it came to pass, as he spake these things, a certain woman of the company lifted up her voice, and said unto him, Blessed is the womb that bare thee, and the paps which thou hast sucked. (28) But he said, Yea rather, blessed are they that hear the word of God, and keep it] (*Holy Bible*, 889). The Latin text in the quotation is from the *Vulgata* but the text in the manuscript differs only slightly from it.

28 [(26) And in the sixth month the angel Gabriel was sent from God unto a city of Galilee, named Nazareth, (27) To a virgin espoused to a man whose name was Joseph, of the house of David; and the virgin's name was Mary. (28) And the angel came in unto her, and said, Hail thou that art highly favoured, the Lord is with thee: blessed art thou among women. (29) And when she saw him, she was troubled at his saying, and cast in her mind what manner of salutation this should be. (30) And the angel said unto her, Fear not, Mary: for thou hast found favour with God. (31) And, behold, thou shalt conceive in thy womb, and bring forth a son, and shalt call his name JESUS] (*Holy Bible*, 872).

to be guided by these allusions to Christ as the Incarnate Word. The Annunciation within the initial directly corresponds to the quotation from the Bible at the very end of the law-book, providing an interpretative framework for the entire text. The correspondence may not have been intentional on the part of the scribe, but it does seem that the scribe (or the person responsible for the commission) devised the compositional structure of the manuscript in such a way that not only the initial illumination and the quote from Luke 11 interplay, but also that both relate to the second and third illuminations that follow the prologue.

In the Throne of Grace shown in the second historiated initial in *Skarðsbók* at the beginning of *Þingfararbálkr*, God the Father holds the crucified Christ in front of himself (Fig. 33). As mentioned above, *Þingfararbálkr* presents rules and rights for the men who attend the assembly. In the text itself there is no mention of the Last Judgment, which would have provided the inspiration for the motif. In *Kristindómsbálkr*, the *Credo* refers to Christ as judge on the Last Day: »ok þaðan skal hann koma á efzta degi þessa heims at dæma lifendr ok dauða. huern eptir sinum uerðleikum« (f. 5v).<sup>29</sup>

In the context of the Mass, the symbolic meaning of the Throne of Grace is at the same time sacramental and eschatological. One of the prayers of the Offertory (the rite by which the bread and wine are presented to God before they are consecrated) invokes the Trinity in the hope that the offering brought forward by the Christian community may ascend as a pleasing sacrifice. The eschatological dimension is manifest in the rites immediately preceding the Communion: in the Canon of the Mass (the prayer during which the bread and wine are consecrated), the celebrating priest supplicates the Lord to receive the offering and to salvage the community from eternal damnation. Thus, a judicial element connected to the notion of divine law and justice can be detected in the motif of the initial.

With *Kristindómsbálkr*, the law proper begins, as specified in the Introductory Letter. It opens with the historiated initial of the Crucifixion (Fig. 34), illustrating the words of the *Credo*: »pindr undir Pilatz valldi. krossfest. deyddr ok grafinn« (f. 5v).<sup>30</sup>

29 [And from there he shall come on the Last Day and judge living and dead, everyone after his worth].

30 [Suffered under Pilate, was crucified, died, and was buried].

It can thus be argued that each of the three historiated initials connects iconographically to the introduction to *Kristindómsbálkr*. The religious imagery does not in itself constitute a very remarkable feature: in an international context, the application of Christian motifs for the purpose of illustrating secular law is commonplace, starting in the thirteenth century when the illumination of secular law was still a recent phenomenon, and fixed standards for the pictorial programmes of legal manuscripts were still being established.<sup>31</sup> In the case of AM 350 fol., however, the combined significance of the three initials is heightened if interpreted in direct relation to the text. The three illuminations form a threefold unit which works as an introduction to the whole law-book, in accordance with the statement in the Introductory Letter that the actual book begins with *Kristindómsbálkr*. The Annunciation, Throne of Grace and Crucifixion provide a starting point for the reading of the law. As was suggested above, this may be connected to the last passage written by the main scribe. The three scenes provide an overall understanding of the law as given by God, in agreement with the medieval notion of the secular and spiritual foundation of jurisdictional power: all legal authority, although exercised by earthly sovereigns, is ultimately granted to man by Divine Commission and judged by God.

The other manuscript under scrutiny, Codex Hardenbergianus, has a different iconography, but the idea that the first two sections are not part of the book proper also seems to prevail. This means that the historiated initials of the first three sections might be seen as part of one statement, albeit a different one from that in *Skarðsbók*.

The first illumination presents the king as donor of the law (Fig. 35). This is related to the content of the Introductory Letter in which the king is presented as being responsible for collecting and providing laws for his subjects. There is no reference to the Bible or to the Word as provided by God in this illumination.

In the second illumination, the dominant figure is the judging Christ of the Apocalypse with two swords issuing from his mouth (Fig. 36). The representation connects to the description of the Son of Man in Revelation 1: 16: »et habebat in dextera sua stellas septem et de ore eius gladius

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<sup>31</sup> L'ENGLE: 2001, 75 and 80; see JACOB: 2002, 209 on medieval judicial iconography as »imprégné par l'Église et l'École«.



utraque parte acutus exiebat«. <sup>32</sup> The words of the *Credo*, with its explicit reference to the Last Judgment, once more become relevant: »ok þaðan skal hann koma a øfzta deggi þessa heims ok dōma hvern eptir sinum verðleika« (f. 6r). <sup>33</sup>

Beneath the ruling Christ, the two symbols of medieval law, a king and a bishop, genuflect in adoration. The inclusion of two swords in a depiction of Christ as judge is unusual, but not unique for the period: they are also seen in an altar frontal from c. 1325 from the Cistercian Abbey Church of Løgum, Denmark, in which the surrounding scenes show episodes from the gospels and from saints' legends, and in a Last Judgment mural from the same period in Skibby Church, Zealand, Denmark. In the specific context of Codex Hardenbergianus, however, the two swords may be interpreted as an explicit reference to the medieval doctrine of the two swords, first introduced by Pope Gelasius I in the fifth century, and further elaborated by Pope Bonifacius VII in the bull on papal supremacy (*Unam Sanctam*) promulgated in 1302. The theory asserted that the two governments of *regnum* and *sacerdotium*, the Church and the State, each with separate powers, were merely the spiritual and secular arms of a single Christian commonwealth. From an ecclesiastical point of view, this implied that the earthly power was secondary to the spiritual authority: the secular sword was to be employed by the hand of the civil authority in the interests of the Church, and the spiritual power had the right to establish and guide the secular power. This was contested throughout the Middle Ages by worldly potentates, who tended to interpret the doctrine as referring to two separate, but equal, dominions of power.

In Codex Hardenbergianus, the motif in the *Dingfararbálkr* initial (Fig. 36) makes it clear that both earthly rulers, the king and the bishop, are subordinate to divine authority. A similar iconography is found in miniatures in contemporary manuscripts of *Decretum Gratiani*, where the figure of Christ or God the Father is sometimes portrayed in the act of personally handing over the temporal and spiritual powers to their earthly representatives. <sup>34</sup> In *Kristindómsbálkr*, the doctrine of the two swords is

<sup>32</sup> [in his right hand he held seven stars, and coming out of his mouth was a sharp, double-edged sword].

<sup>33</sup> [And from there he shall come on the Last Day and judge everyone after his worth].

<sup>34</sup> L'ENGLE: 2001, 85.

quoted in the second article: »hefir *konungr* af gude *veralldlekr* valld til *veralldlegra* luta. En *biskup* andlekt valld til andleghra luta« (f. 6v).<sup>35</sup>

The composition within the initial at the beginning of this section (Fig. 37) – king and archbishop standing side by side on equal footing – might perhaps be taken as an indication that it is the more secular understanding of the doctrine that is being communicated: State and Church are two separate domains within the universal direction of the spiritual power. Concerning the iconography, there are parallels in continental book paintings, in which twelfth-century drawings in the *Decretum Gratiani* sometimes depict a pope and a crowned sovereign in positions of equality, standing or enthroned side by side in a single space.<sup>36</sup>

In summary, if the three motifs in Codex Hardenbergianus are considered as a unit in a similar fashion as the illuminations in AM 350 fol., they convey a slightly different message from that in AM 350 fol. They do seem to form an introduction to the law-book as a whole, but the focus has shifted to the promotion of royal and ecclesiastical authorities as guarantors on earth of law and justice. A similar view of the law seems to be at least partially prevalent in the two other codices included in this study: the iconographic programme of the initial sections of AM 343 fol. and AM 347 fol. is broadly correspondent to that of GKS 1154 fol. In the two Icelandic manuscripts, the initial in *Bréf Magnús konungs* shows the king handing the law to a subject (Figs. 38 and 40), which is the same motif as in the initial in the *Prologus* of GKS 1154 fol. The standing king and bishop within the initial in *Kristindómsbálkr* in GKS 1154 fol. reappear at the beginning of the corresponding section in AM 347 fol. (Fig. 39). However, the two swords and the genuflecting king and bishop beneath Christ as judge displayed in the *Þingfararbálkr* initial in GKS 1154 fol. are missing in the two Icelandic codices (Fig. 41); in AM 343 fol., the beginning of *Kristindómsbálkr* has no historiated initial at all.

The two iconographic varieties were apparently applied side by side in the scriptorial context: AM 350 fol. with its Christological programme, and AM 347 fol. with its more ›legislative-oriented‹ scheme, both belong to the group of manuscripts attributed to the Helgafell scriptorium. Evidently, the scriptorium-cum-atelier disposed of a repertory of several

<sup>35</sup> [The king has the earthly power from God in earthly matter, and the bishop has the spiritual power in spiritual matter].

<sup>36</sup> L'ENGLE: 2001, 85.

(or at least two) iconographic patterns that were employed according to the nature of the commission and the requests of the person or institution for whom the codex was produced.

This article indicates the potential in a joint effort by specialists from different disciplines – philology and art history – to explore the medieval legal codex as an integrated whole, in which text and illuminations support and supplement each other in the formulation of meaning as well as modifying each other. The iconographic programme of the historiated initials in each codex seems to highlight specific aspects of legal ideology. In regard to the Nordic manuscript material, such interdisciplinary collaboration might be applied to a greater extent than has hitherto been the case, leading to a more profound appreciation of the manuscripts as ›multi-media‹ products in which verbal and visual features operate in conjunction to make sense: legally, socially and, in the eyes of the scholar, historically.

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STEFAN BRINK  
*Librum legum terre Hælsingie:*  
The Inspection and Approval of Versions  
of the Law-Book of the Hälsingar

The northern part of Sweden is called *Norrland*, a name probably coined in the late Middle Ages.<sup>1</sup> It was also called *Hälsingland*, hence the name of a province (*landskap*) came to be used for the whole of northern Sweden. Sometimes the epithet *Stor-Hälsingland* [Large-Hälsingland] was used in order to differentiate it from the province. The confusion in names may stem from the fact that the laws of northern Sweden were called *Hälsingelagen*, that is, the Laws of the Hälsingar.<sup>2</sup>

The history of the *Hälsingelagen* is rather obscure. The only extant manuscript, kept at the University Library in Uppsala, is UppsUB B 49 (c. 1300–1400),<sup>3</sup> which was acquired by the Swedish national antiquarian, Johannes Bureus, during a journey to Norrland in 1600–1601.<sup>4</sup> Philologists and antiquarians have shown that at least four manuscripts of the laws must have existed in the late fourteenth century;<sup>5</sup> this has been assumed on account of three important letters from 1374 which refer to official meetings that took place on the coast of Norrland.<sup>6</sup> In 1609, the *Hälsingelagen* was printed but the manuscript used for the edition is now lost, and it may have been one of the manuscripts used for a revision of the laws made in 1374. According to Åke Holmbäck and Elias Wessén, the manuscript used for the printed edition was in the possession of the Royal Chancellery and would have been better and more complete than UppsUB B 49.<sup>7</sup> At least three versions of the *Hälsingelagen* might have existed around 1600: UppsUB B 49, the printed edition and one or several

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1 BRINK: 1981, 122.

2 STÅHL: 1976, 135; BRINK: 1981, 123, and 2010, 122.

3 In facsimile: *Lex Helsingiae (Hälsingelagen) e codice Bibl. Univ. Upsal. B 49*: 1948.

4 NELSON: 1948, xxiii.

5 *Ibid.*, xxix.

6 DS 8660 (Ragnholmsund 7<sup>th</sup> October 1374; RA 0101), 8665 (Svartasund 16<sup>th</sup> October 1374; original lost, several copies), 8666 (Härnösand 1<sup>st</sup> October 1374, original lost, several copies).

7 HOLMBÄCK and WESSÉN: 1940, xliv.

versions from which the variants that appear in the printed version originate.<sup>8</sup>

All these versions must be considered copies of the *Hälsingelagen* which were made around the middle of the fourteenth century. There is a great probability that the Archbishop of Uppsala, Olof (episcopate 1315–1332), ordered the laws to be written down; he was known as *sapiens* [legally wise] because of his interest in collecting and copying legal documents. On the basis of the language of the text and the writer's knowledge of the *Jyske Lov*, it has also been proposed that the editor and writer of the *Hälsingelagen* was a Dane.<sup>9</sup> It is highly probable that the Archbishop of Uppsala had Danish clerics or writers around him. The writer of the *Hälsingelagen* either chose, or had been ordered, to use the Uppland laws as a guiding help, and to abridge, adjust and complement relevant parts of these laws in order to render it suitable for the people living in the northern part of the Archbishop's diocese, Norrland.

In the autumn of 1374, the Archbishop of Uppsala, Birger Gregersson, undertook a probably rare journey to the north. We do not know how often he went to Norrland on inspection journeys, as there are no written accounts of them, but it can be assumed that he (or a representative) had at times to pay visits to the priests and congregations there. It seems that men of royal or noble rank seldom dared to venture north of the river Dalälven, which roughly cuts Sweden in half and creates a border called by scientists *Limes Norrlandicus*. The background to the Archbishop's (probably unique) northward journey was the settlement of a dispute of great importance to the archbishopric and to the then-emerging Sweden: a dispute over the border between the Diocese of Uppsala and the Diocese of Åbo in Finland, and thus also a dispute over the border between Sweden and Norway.<sup>10</sup> The settlement was reached with the help of the *Hälsingelagen* that contains, in an *addendum* to the *Pingmalabalker* [Section of Legal Procedures], a description of the boundary between Norway and Sweden.

A legal clerk, a priest from Tillinge called Olaus Nicolai, travelled with Archbishop Birger and took minutes of all meetings. On the 1<sup>st</sup> of October of 1374, at the harbour of Härnösand in Ångermanland, a certain Nils

<sup>8</sup> Ibid., xlv–xlv.

<sup>9</sup> See NELSON: 1948, XXXVIII and references given there.

<sup>10</sup> AHNLUND: 1920, 211–224.

Petersson from Utnäs in the parish of Styrnäs witnessed the ›attestation‹ of the boundary in Uleå by the bailiff (*advocatus*) of Hälsingland, Torsten Styrbjörnsson. Nils Petersson stated that it was written ›in libro legum terre Helsingonie‹ [in the law-book of Hälsingland]: ›Swa æra Helsinga raa som byrias i Vla træske ok ledher epter Isma fempten vikna langan‹.<sup>11</sup> This important statement was verified on the 7<sup>th</sup> of October during the following inspection in a locality called Ragnholmsund in the parish of Selånger, in the province of Medelpad, which was chosen because the main copy of the *Hälsingelagen* – the copy of the law that took precedence over all other copies – was attached with iron chains to the nearby church of Selånger.<sup>12</sup> The vice-lawman (*vicelegifer*) of Hälsingland, Henrik Djäkn from Sund in Selånger, had been ordered to take the law-book (*librum legum terre Hælsingie*) – together with the iron chains – to Ragnholmsund.<sup>13</sup> The document (Fig. 42) states that the *addendum* to (or the fifteenth paragraph of) the *Pingmalabalker* was written by the same scribal hand as the rest of the law-book, and quotes the law (note that the scribe has wrongly interchanged the words *Swerikis* and *Norighis*):

Swa skiptis landum twæggja kununga mællum at Swerikis oc Norighis byrias j Vlothræski oc ledhir vt j Ismæ xv vikna langæn þa a Swerikis kunungir væstæn oc sunnæn æn Norighis kunungir østæn oc nordhæn.<sup>14</sup>

The inspection continued after nine days, on the 16<sup>th</sup> of October, in the harbour of Svartasund in the parish of Norrala (Hälsingland), where

11 [Thus is the Hälsinge border, which starts in Vlo Thräski, and leads after Isma fifteen ›vikor‹ [a rowing distance] long]. All translations in this article are by the author. This statement appears in a notarial attestation which was written some time after the 17<sup>th</sup> of October 1374 (DS 8666).

12 NELSON: 1957, 74. There are indications that this copy of *Hälsingelagen* was *in situ* until c. 1760 (HELLBOM: 1977, 10–12). We do not know what happened to it afterwards. On the manuscript of the Town Law of Söderköping (Holm B 170) from the same period, which was probably equipped with an iron chain, see ÅSTRÖM in this volume, 45.

13 It is said in the letter (DS 8660) that Henrik Djäkn, from Sund in Selånger, the vice-lawman (*vicelegifer*) in Medelpad, displayed the law-book which had been approved by King Magnus. The book was attached with a 4 ¼ ells long iron chain to the church in Selånger and should be consulted by all inhabitants in Hälsingland when there were disagreements or in case of appeal from the judges.

14 [This is the way the countries are divided between the kings, [the border between] Sweden and Norway starts at *Vlothræski* [Ulen] and goes out in *ismæ* [Ismunden] fifteen nautical miles; there the Swedish king owns [the land] to the west and south, and the Norwegian king to the east and north] (DS 8660). A transcription in DN III no. 381, 302–303 does not contain the mistake; see NELSON: 1957, 74.



three copies of the *Hälsingelagen* were brought.<sup>15</sup> There is no mention of the place where these copies were originally kept, but it is possible that they were kept at the three royal farms (*kungsgården*) within the province, or their adjacent churches, in Norrala, Hög and Jättendal: the judicial centres of the three thirds or ridings (*þriþiungs*) into which Hälsingland was divided during the Middle Ages.<sup>16</sup> The archbishop also had the *addendum*, or the fifteenth paragraph, read out and it was established that they corresponded both with each other and with the Selånger copy. This inspection revealed that the witness statement by Nils Petersson could not have been correct: *Vlothræski* could not have been a reference to the large lake *Ule träsk* in northern Finland, but rather to the lake *Ulen* in Sørli, Trøndelag, in Norway.<sup>17</sup>

In a thorough and excellent study, Olof Holm has analysed this and other similar descriptions, treaties and witness-letters that provide information about the border.<sup>18</sup> He suggests that the border description in the *Hälsingelagen*, which was probably edited and written around 1320–1340, must be understood as an old and obsolete addition to the law. The description, Holm argues, probably describes the state of the border between Norway and Sweden prior to c. 1220. It could thus be argued that the primary aim of the archbishop's visit was not to settle border disputes, as had been previously thought, but to check whether the existing copies of the *Hälsingelagen* were in agreement with the most important chained copy at Selånger in Medelpad.

Holm's theory finds support in Nelson's analysis of the background to the writing of the law and its textual situation. Nelson claims that Archbishop Olof *sapiens*'s inclination to preserve and copy old documents explains the inclusion in the *Hälsingelagen* of an old (and obviously obsolete) description of the boundary between Norway and Sweden.<sup>19</sup>

The rather unique inspection tour reveals that there were several copies of the *Hälsingelagen* in use in its judicial district (Hälsingland and all the Swedish provinces in the north), and that there must have been some

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<sup>15</sup> DS 8665. Axel Nelson suggests that the extant manuscript of the *Hälsingelagen* (UppsUB B 49) could actually be one of the copies used at the examination in Svartasund (NELSON: 1957, 77).

<sup>16</sup> See BRINK: 1994a; 1994b and 1990.

<sup>17</sup> See HOLM: 2003, 229–230.

<sup>18</sup> HOLM: 2003.

<sup>19</sup> NELSON: 1957, 83.

textual correspondence between them; perhaps they were even identical.<sup>20</sup> These copies might have been kept at the legal centres of the administrative and judicial districts (the *land* and the *priþiung*): the royal farms in Norrala, Hög, Jättendal and Selånger<sup>21</sup> or, later on, in the main neighbouring churches.

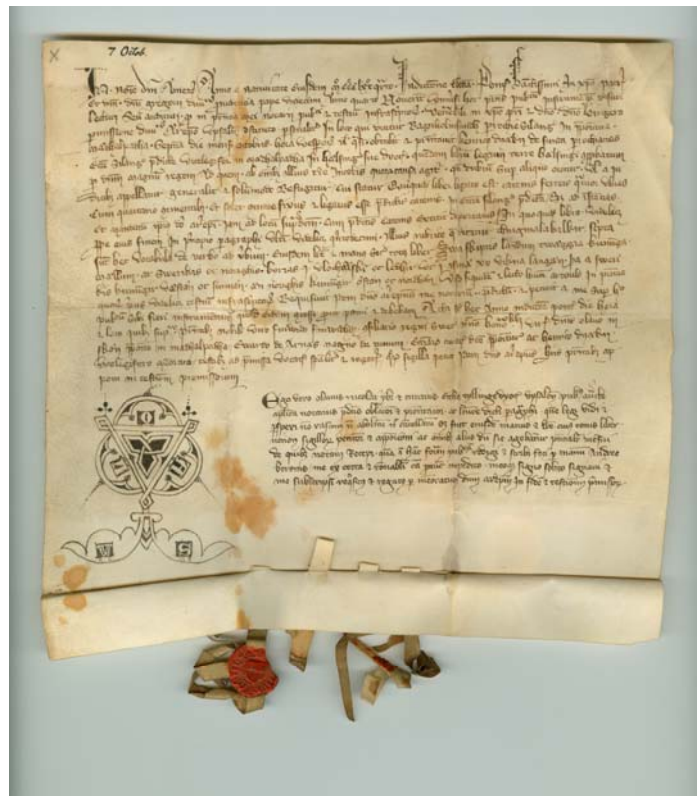


Fig. 42. Ragnholmsund, 7<sup>th</sup> October 1374. Document testifying the inspection of the law-book from the church of Selånger by Archbishop Birger Gregersson and other witnesses, issued by the apostolic notary Olof Nilsson, whose notarial sign and recognition appear to be found on the lower part of the document.

<sup>20</sup> On the *Hälsingelagen*, see BRINK: 2010.

<sup>21</sup> As for the province of Ångermanland, the situation is more uncertain. On medieval Ångermanland, see BLOMKVIST: 1986, 49–103, and GRUNDBERG: 2006.

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JONAS CARLQUIST  
Rules in a Book:  
The Regulation of Daily Life  
at the Nunnery of Vadstena Abbey

Laws and regulations must be understood as witnesses of social life. A regulation is usually made because there is some kind of need for it; otherwise it would probably not exist. This perspective is adopted in this article in an attempt to sketch a picture of daily life at the convent at Vadstena Abbey in the Middle Ages. Research about the convent in Vadstena Abbey has so far mostly been focused on political context, learning, and on which texts were available to the nuns, but not on the daily life of the convent. Were the nuns really as pious as their devotional texts tell us? Was there gossiping, harassment, or teasing? This kind of information is seldom to be found in the usual sources, but the abbey was inhabited by humans, and there must sometimes have been problems. It is hard to believe that all sisters always got along with each other, even if it is plausible that they did try. Since the Order's rule, the *Regula Sancti Salvatoris*, emphasizes the importance of endeavouring to be pious and humble, these virtues and regulations must have left their imprint on the inner life of the abbey. And if there were problems, they were kept inside the walls; this could have been easily done as the convent was a closed institution. We can get a clearer view by closely reading and analysing certain legal records, especially the legal documents that were added to the original *Regula* when the nunnery was active; prescriptions that were written while the nunnery was active might have been added in response to specific situations.

An Important Manuscript: Berlin PK Ms. germ. fol. 726

One of the most important manuscripts for this study is Berlin PK Ms. germ. fol. 726 (1487–1496).<sup>1</sup> It is a manuscript in folio (c. 268 x 187 mm), containing 172 parchment leaves. It is written in the usual Vadstena script, *hybrida*, and has no illuminations. The manuscript was kept at the

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<sup>1</sup> The most detailed descriptions of the manuscript are found in *Heliga Birgittas uppenbarelser*: 1883–1884 and WESSÉN: 1968, 33–41.

convent in Vadstena, and was written by the nun Christina Hansdotter Brask at the request of the abbess, Anna Pauli, and contains a fascinating mix of regulations concerning the Abbey:

- ff. 1–23r *Regula Sancti Salvatoris* (Prologue and Chapters 1–27) – the rule that Christ gave to Saint Bridget in a single revelation, which was meant to be the main regulation of the Order. It was dictated by Saint Bridget to Peter of Alvastra. The manuscript says that this text should be read at Christmas and on Whitsunday (Fig. 43).
- ff. 23r–31r *Regula Sancti Augustini* – when the Birgittine Order was founded, it followed Saint Augustine’s rule with the *Regula Salvatoris* as an addition.<sup>2</sup> The manuscript says that the *Regula Sancti Augustini* should be read every time the *Regula Salvatoris* was read (Fig. 44).
- ff. 31r–52r *Regula in tertia persona* – the same rule as the *Regula Salvatoris* with the exception that Christ in this version speaks in the third person, and not in the first person as in the original rule.<sup>3</sup> According to the manuscript, this text should be read four times a year.
- ff. 52v–59r Nine revelations from the so-called *Revelationes extravagantes* (Chapters 10, 13–15, 20–23, 33), all containing additions to the rule made by Saint Bridget during her own lifetime;<sup>4</sup> they should be read during the first week of Lent and on Saint Michael’s Day.
- ff. 59r–82v *Constitutiones sive additiones ad Regulam S. Salvatoris* – additional regulations to the rule, probably written by Peter of Alvastra, to be read at the same time as the Nine Revelations.
- ff. 82v–88v *Regula S. Salvatoris* (Chapters 28–31) – to be read on Whitsunday and at Christmas.
- ff. 88v–138v *Revelationes extravagantes* (Chapters 1–46 and 65) – to be read at Christmas and on Whitsunday.
- ff. 139r–170r *Lucidarium* – additional regulations; the manuscript does not specify when the text should be read (Fig. 45).

It seems that Abbess Anna Pauli asked Christina Hansdotter to collect all of the nuns’ prescriptive texts in one single volume, Ms. germ. fol. 726, and had all texts written in the vernacular even if they were originally written in Latin.

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<sup>2</sup> See WESSÉN: 1968, 43.

<sup>3</sup> See EKLUND: 1975, 21.

<sup>4</sup> See HÖJER: 1905, 53–54.



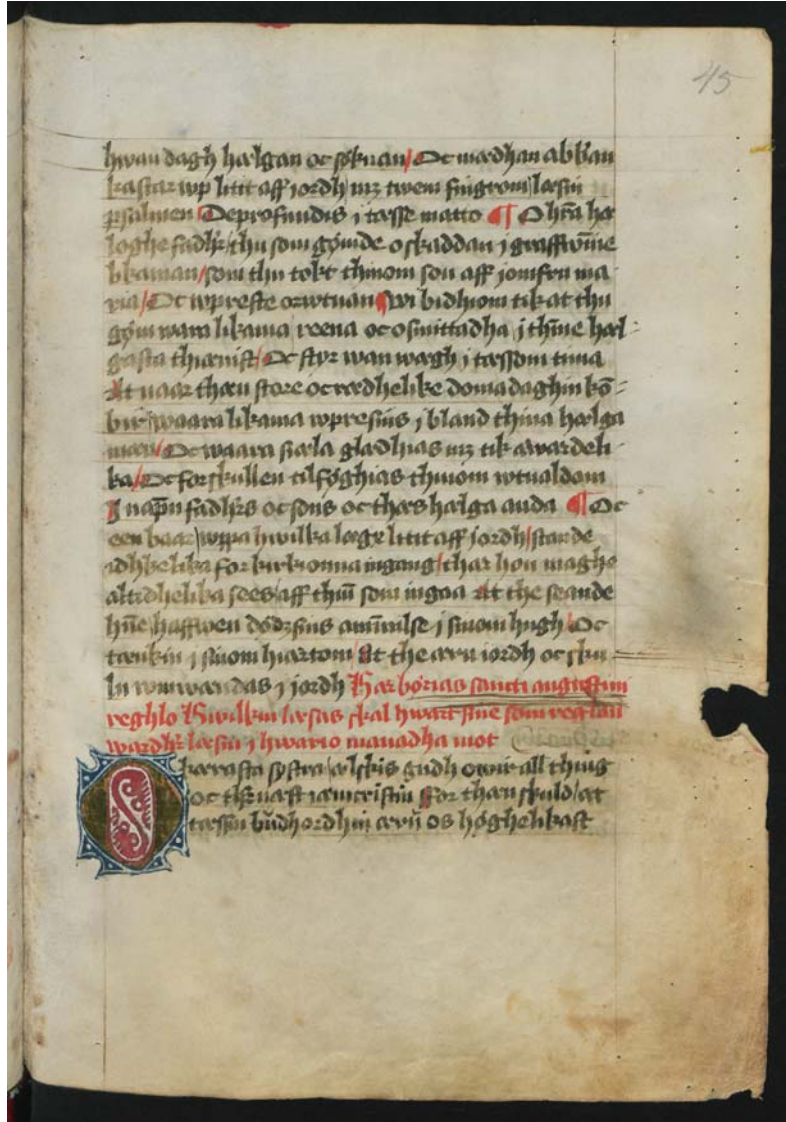


Fig. 44. Cod. Berlin PK Ms. germ. fol. 726, f. 23r. Beginning of *Regula Sancti Augustini* with gold-plated coloured initial in red, blue and white. The hole in the outer margin probably derives from a ripped-out bookmark.

### Two Important Texts: *Lucidarium* and *Constitutiones*

Two of the texts from Ms. germ. fol. 726 are of the greatest importance to this study: *Lucidarium* and *Constitutiones*. Both were written after the Abbey had started to function, and it may thus be inferred that the *Regula salvatoris* lacked information about certain events that needed to be regulated.<sup>5</sup> The *Lucidarium* was probably composed in 1380, but confirmed as the official additional regulations only at the General Chapter in Gnadensburg in 1487. It is thus possible that these regulations were in use during the whole of the fifteenth century.<sup>6</sup> The textual transmission of the *Lucidarium* has not been investigated but the Swedish text is most probably a translation from a Latin original.<sup>7</sup> The *Constitutiones* are attributed to Bridget's confessor, Petrus Olavi of Alvastra, but certain corrections were made to the text after his death. The *Constitutiones* were used from 1420, but were only confirmed in 1429.<sup>8</sup> The Old Swedish version in Ms. germ. fol. 726 belongs to the same redaction as the Latin versions in Holm A 45 from 1420 and Holm A 11 from the second half of the fifteenth century, but it has not been established whether the Old Swedish version is a direct translation from any of these manuscripts.<sup>9</sup>

Both texts are additions to the *Regula Salvatoris* and prescribe how a nun must behave in ordinary situations. While the *Regula* has a more general character, the *Lucidarium* and *Constitutiones* discuss the daily routine in detail. The *Constitutiones* concentrate on small details of daily life while the *Lucidarium* concentrates on different rituals and how the sisters should behave while performing them. In this article, passages from the additions will help illustrate the social life in Vadstena Abbey regarding important decisions, such as the replacement of the abbess, as well as daily routines.

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5 The *Regula Salvatoris* must be understood as an additional rule as the *Regula Sancti Augustini* were, according to the constitution of Pope Urban VI, the foundation of the Order; see WESSÉN: 1968, 43.

6 CARLQUIST: 2007, 89–91.

7 *Heliga Birgittas uppenbarelser*: 1883–1884, 153.

8 HÖJER: 1905, 71–78; CARLQUIST: 2007, 87–89.

9 HOLLMAN: 1956, 65–69.



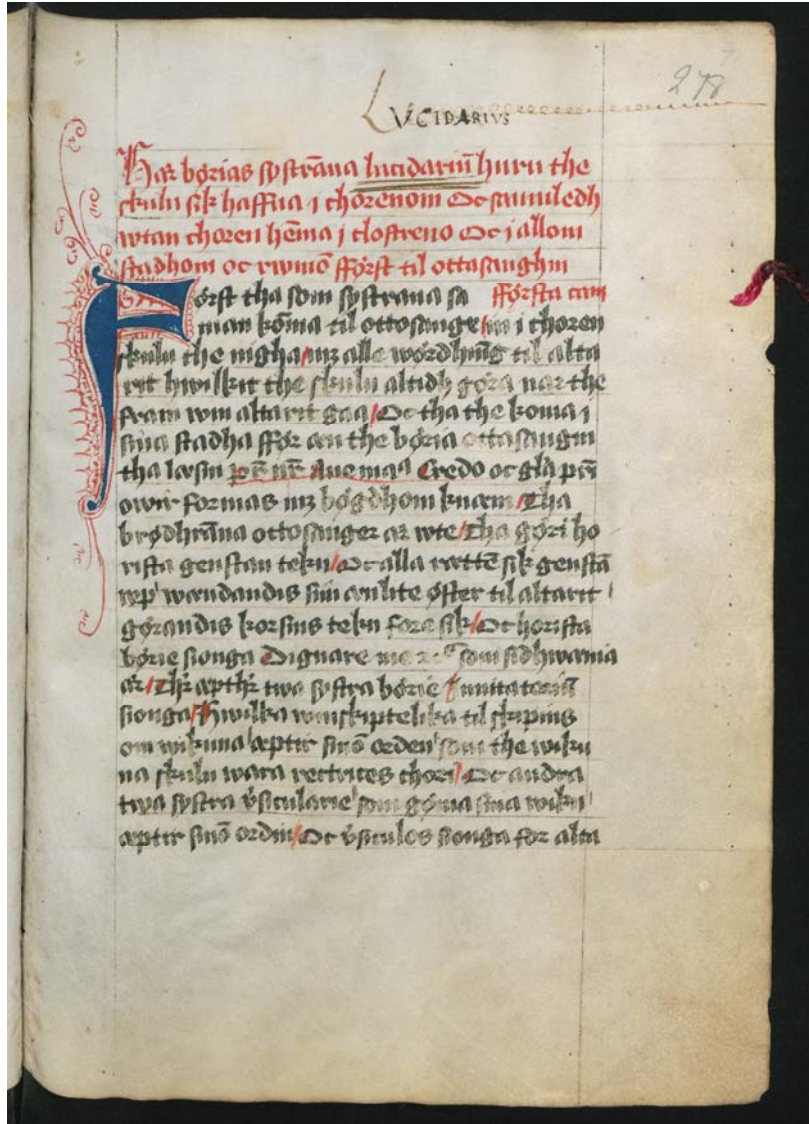


Fig. 45. Cod. Berlin PK Ms. germ. fol. 726, f. 139r. Beginning of *Lucidarium* with blue initial with pen-flourished decoration in red ink and a maroon thread sewed to the margin. Similar threads can be found at the beginnings of other texts in the codex and served as bookmarkers.

## Case Study: A Regulation in Use

I shall begin with a discussion of what happened when an abbess grew old and could no longer fulfil her duties and remain head of the convent. This is discussed in *Constitutiones*, Chapter 10. The *Constitutiones* prescribes different ways to allow the abbess to fulfil her tasks. Her confessor and the older nuns would, in secret, remind her of her duties; if the abbess still fell short, the bishop would talk to her, and if nothing happened, she would be replaced:

Om abbatissan är affwitelikin, tha skal hon affwitas hemelika, tyswa och thridhia siin aff confessore oc aldroyha systromen än sköte hon thy ey, tha skal biscopin mana hona, Oc rätte hon sik ey sua tha säτίας aff.<sup>10</sup>

An abbess could be replaced for different reasons. She could have mismanaged her duties on purpose as some kind of protest – that is, she did not follow the *Regula*, or did not care about her sisters, or misappropriated the abbey's money. We have no evidence that anything like that ever happened; it is probable that this prescription was added to the *Regula* because abbesses could grow senile or ill while still in the post. It is difficult to know how often this regulation was used, as it seems likely that the Birgittine Order did not want rumours about abbesses not fulfilling their duties being spread in the outside world. According to the *Diarium Vadstenense* – the memorial book of Vadstena Abbey – there were abbesses who had been removed from their positions while still alive. On the 21<sup>st</sup> of April of 1422, Gerdeka Hatlevsdotter resigned as abbess after 19 years and 11 months in the post; her successor, Bengta Gunnarsdotter, resigned in 1448, as did Märita Thuresdotter in 1501. The *Diarium* does not give any reason for their resignations.<sup>11</sup>

Ingeborg of Holstein was abbess between 1447 and 1452 and was removed from her duties by the Swedish king, Karl Knutsson. The convent and the bishop, Nils, protested against Karl's decision as they did not see any reason for it, and argued that Ingeborg had fulfilled her duties. The king's motive was probably political: Ingeborg was the aunt of his leading

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<sup>10</sup> *Heliga Birgittas uppenbarelser*: 1883–1884, 23. [If the abbess is not in her senses, she shall be reprimanded in secret, two and three times, by the confessor and by the older sisters. If she does not change, then the bishop shall exhort her. If she then does not correct herself, she shall be replaced]. All translations are by the author unless stated otherwise.

<sup>11</sup> *Diarium Vadstenense*: 1988.

enemy, the Danish King Christian I. Karl might have been afraid that Christian would use his relationship with Ingeborg against the Swedish throne. Ingeborg chose to resign because she feared the convent would suffer economically if it did not follow the king's decree. That the convent was clearly on Ingeborg's side is supported by the fact that she was re-elected as abbess in 1457 and remained in this position until her death in 1465.<sup>12</sup> Ingeborg's first successor, Katarina Bengtsdotter, resigned because she was incurably ill. And the *Diarium* also tells that on the 14<sup>th</sup> of May 1496 the abbess Anna Pauli resigned because she was too old to hold the office. For all these abbesses, besides Ingeborg, the Vadstena *Diarium* gives very short explanations as to why they resigned. It does not seem that they thought the motivations behind the abbesses' resignations were of common interest.

### Regulations about the Daily Life in the Convent

Several additional regulations discuss matters that concern daily life in the Abbey. For example, Chapter 8 of the *Lucidarium* prescribes how the sisters should behave: they should let their deeds be always virtuous and humble so that they could be calm and peaceful in their behaviour. Humility was the key word, and recommended in the nuns' devotional literature that was often read to them during meals.<sup>13</sup> While the sisters were sitting at the table, there should be no movements of the feet, no trembling chins, no chewing lips and no outstretched tongues; their eyes should look down to Earth, while their hearts were turned towards God:

Systrana skulu wara prydda oc wmkring satta *medh* alla sidhanna qwämnelighet oc dygdhanna thäknadh waktande sik *medh* största aatwakt, Fran alle otokt oc ohöffwidzskom löslatom, ey haffuande tekn til nakot *thet*, som löslaat ällir nakor ostadughet kan aff komma antiggia j chorenom ällir annar stadz, ey *medh* osidhlikom kropsins aathäffuom ällir otoktelikom handa ällir fota rörlisom ey *medh* skällffuande haku, ey *medh* twggande läpom, oc ey *medh* wträkte twngo, wtan altidh haffwin sik *medh* stadughe kropsins sidhlightet oc *medh* alle hugxsins gudhelighet standandis gangandis och sithiandis, haffuandis siin öghon nodherbögdh til jordhinna, Oc siin hiärta wp lypt til gudh.<sup>14</sup>

<sup>12</sup> SILFVERSTOLPE: 1898, II.

<sup>13</sup> CARLQUIST: 2007.

<sup>14</sup> *Heliga Birgittas uppenbarelser*: 1885–1884, 67. [The sisters shall be adorned and dressed in all comfort and beauty of the virtues, protecting themselves with greatest care from all fornication and discourteous behaviour. They shall not have any will to do

This regulation is of great interest. These prescriptions might have been needed because the nuns' behaviour at mealtimes had been unsatisfactory. It seems that the nuns made a lot of gestures and facial expressions while the abbess or a senior sister was not on watch. Both *Lucidarium* and *Constitutiones* refer to this kind of misbehaviour many times. Life in the convent is presented with a rather chilly atmosphere regarding the interaction of the sisters. All of their actions should be carried out in the worship of God; their social life was strictly regulated. But as the aim of the Order was worship, these regulations might have been formulated to help the sisters to achieve this.

Daily life in the convent was built on recurrent routines. Every day there were masses, meditations, work, spare time, meals and sleep. The *Constitutiones* contain very detailed prescriptions regarding food.<sup>15</sup> All sisters were allowed the same quantity of food and drink, but the abbess could make special arrangements for those in need of more nourishment. It was also the responsibility of the abbess to see that there would be no gluttony or intoxication by beer or wine. According to the *Lucidarium*, Chapter 17, all leftovers and crumbs should be collected and given to the poor.<sup>16</sup> But it seems that the sisters could eat rather well and live a rather comfortable life. We read in the *Constitutiones*, Chapter 20, that on Sundays and Thursdays they were allowed to eat boiled, salted and grilled meat. The dinners on Mondays and Tuesdays consisted of vegetables and boiled meat. On other weekdays, they ate two fish, butter, egg, and cheese. On minor fasting days, each sister had soup, two fresh, and one salted, fish. They were also allowed to eat apples.<sup>17</sup> Chapter 25 prescribes that meals should last no longer than an hour and a half.<sup>18</sup> From Easter until *Exaltaciones sancte crucis* (3<sup>rd</sup> of May) the sisters were allowed to take an hour's nap after dinner.<sup>19</sup> On special fast days, the sisters' meals

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something licentious or indecent, neither in the choir nor at any other place. They shall not act with immoral movements or gestures with their hands or feet, not with trembling chins, not with chewing lips, and not with outstretched tongues. They should always behave steadily and calmly with their body, both when they are standing with their mind pointed towards the divinity, and when they are sitting. They shall always have their eyes pointing to the earth, and their hearts uplifted towards God].

<sup>15</sup> For example in Chapter 20.

<sup>16</sup> *Heliga Birgittas uppenbarelser*: 1883–1884, 75.

<sup>17</sup> *Ibid.*, 31.

<sup>18</sup> *Ibid.*, 35.

<sup>19</sup> *Ibid.*, 41.

were poorer; according to the *Constitutiones*, Chapter 25, they should have just water and bread.<sup>20</sup> It seems that Bridget wanted her sisters to be strong in body in order to perform their pious work more easily.<sup>21</sup>

Another daily routine was sleep. The sisters slept in the *dormitorium* and their sleeping routine is discussed in the *Constitutiones*, Chapter 37. First the regulation describes the beds. They were made of wooden boards nailed together and there were straw, carpets, bearskin and a quilt of coarse woollen cloth (frieze) to make them comfortable. The sisters were also allowed to use a sheepskin during the winter. If a sister was sick, she was allowed to use bedclothes of a better standard.<sup>22</sup> However, they were not allowed to share beds, even if it was very cold. If they wanted to stay up to pray during the night, they should be close to their own beds so as not to disturb any sister that needed to sleep.<sup>23</sup> Chapter 28 in the *Lucidarium* prescribes the behaviour for going to bed in the dormitory. Each sister should go to her own bed. If somebody was sick, the sisters could attend her by her bed for a short while, even at night. Before sleeping, the sisters should meditate on the day's events, on what they had done that was pious and what they had done that was sinful. All lights should be extinguished.<sup>24</sup>

Personal hygiene is not fully discussed in the regulations, even if Bridget clearly wanted her followers to live a healthy life. *Constitutiones*, Chapter 42, says that the sisters were allowed to take a bath once a month or, if it was needed for health reasons, every second week:

Systra som siwka äru magho badha swa opta som them tarffuas, Än the ther helbrygda äru, Magho badha eth sin j manadhenom ällir eth siin j fiortan daghom, wm swa är nyttogt til helsonna.<sup>25</sup>

Pets were not allowed inside the Abbey because animals were a reason to sin:

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<sup>20</sup> Ibid., 35.

<sup>21</sup> *Den Heliga Birgittas Himmelska Uppenbarelser*: 1959, 33.

<sup>22</sup> *Heliga Birgittas uppenbarelser*: 1883–1884, 41.

<sup>23</sup> Ibid., 42.

<sup>24</sup> Ibid., 87–88.

<sup>25</sup> Ibid., 44. [The sisters who are sick may take a bath as often as needed. But those who are healthy may take a bath once every month, or once every fourteen days, if it is good for their health].

Thy skulu hunda älla köffwärne, älla hjorta oc all siäldsyn oc wndirsam diwr oc fwghla alzingx bortlängias aff clostirs inlykkio, Thy at the äru lösläta wpwäkilse oc synda tilfäle oc wpfödha.<sup>26</sup>

The discipline inside the Abbey was clearly manifested in the *Regula* and in the additional regulations. Although daily life should be characterized by piety, that was not always the case. Chapter 18 in the *Constitutiones* states that four or two sisters would be chosen as *custodes ordinis*, that is, sisters who went around the convent to make sure that all behaved piously: »Oc gangen kringom clostrit Oc aatwakten granlika at systrana haffua sik gudhelika.«<sup>27</sup> The *custodes ordinis* were a kind of monitor and should report bad behaviour to the abbess, who could then choose to punish whoever had behaved badly. Whether the *custodes ordinis* also had to eavesdrop on their fellow sisters is not clear. According to the rule, conversations among the sisters should always be pious and well-mannered. Chapter 21 of the *Lucidarium* states that gossip and vain talk was strictly forbidden. The sisters should always speak the truth and never use too many words or improper language. Defiance of this rule would be reported to the abbess. This was especially important during their spare time, when the sisters walked in the garden for the benefit of their health.<sup>28</sup>

Chapter 14 in the *Constitutiones* discusses friendship. A sister was not allowed to love someone above any other, with one exception: if any sister had a better and more pious manner, she could be favoured by the others: »Oc ey älskin meer ena persona än andra, wtan hwilka the finna j godhom sidho wara bäträ.«<sup>29</sup> The abbess should make sure that close friendship between two sisters did not occur, but the regulations do not prescribe a punishment for this.

Even if the sisters did not gossip they could use their bodies to bully someone. Chapter 48 of the *Lucidarium* exhaustively discusses dissolute signs, that is, signs that indicate scolding. Such signs could be made by the nodding of one's head or with glimpses of the eyes. These signs were

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26 Ibid., 45. [Therefore all kinds of dogs, deer, and all rare and strange animals and birds shall be kept outside the cloister's enclosure. Because they are a cause for licentious behaviour and an opportunity to sin].

27 Ibid., 28. [And they shall walk around the cloister and carefully keep watch that the sisters behave themselves piously].

28 Ibid., 78–80, 84.

29 Ibid., 26. [And they shall not love one person more than another, except those whose behaviour they find better].

more usually done by the hands, for example by pointing a finger of scorn at someone.<sup>30</sup> It is also prescribed in the *Constitutiones*, Chapter 14, that the sisters who served meals should use courteous behaviour and never make any dissolute signs. All sisters should be treated equally and no individuals should stick out.<sup>31</sup> The *Constitutiones* prescribe the use of corporal punishment in the Abbey as part of the ascetic life. According to Chapter 31, every Friday during Lent, and also on Wednesdays, corporal punishment was carried out to strengthen the mind towards God; but misdeeds such as breaking rules and being disobedient were also penalized with corporal punishment:

The syster som disciplinam skal taka for stor brut redhe sik til fför än hon gaar j capitulum, swa at hon gange in j natkiortlenom oc kwfflenom, nat kiorttillin skal wara open framan, nidher til bältith Thentidh disciplina skal takas, tha fari aff kwfflenom oc lägge han fore sik wppa knän, Oc aat hoffuodh smogheno, a natkiortlenom dragho wt armana, at bakin wari bar som för är sakt, Oc lägge kuffuelfliken owir hoffuodhit oc ligge nidherbughin, Oc sigho enkte wtan mea culpa, Jak skal bätra mik, Än the som hona slaar hialpe henne at kläda sik<sup>32</sup>

There were minor and major offences. Minor offences were punished by reading, fasts or exhortations, although sisters who were younger than 24 years old always received corporal punishment. It was considered a major offence if two or more sisters fought, if a sister was late for church, or if someone repeatedly committed minor offences; for these crimes the sister was placed in the abbey's prison and received corporal punishment.

The convent with its regulations can be seen as a society in miniature. It was governed by the abbess to the benefit of its inhabitants, who were to concentrate on their mission and live a safe life. In order to succeed in their ambitions, there were rules and regulations, and those who misbehaved were punished. The additional regulations aimed to undermine the individual and strengthen the collective.<sup>33</sup>

<sup>30</sup> Ibid., 104.

<sup>31</sup> Ibid., 26.

<sup>32</sup> Ibid., 39. [The sister to be punished for great crimes shall prepare herself before she enters the *capitulum* in such way that she is dressed in her nightshirt and cowl. The nightshirt shall be open in the front, down to the belt. When the punishment starts, she shall take off her cowl and put it in front of herself on her knees. And through the night-shirt's opening for the head, she shall put out her arms, so that her backside is bare as said before. And then she will put her cowl on her head and lay herself down in a bowed position. And she shall not say anything but ›*mea culpa*, I will improve myself. And they who beat her shall help her to get dressed afterwards].

<sup>33</sup> This is rather typical in the medieval period, see GUREVICH: 1997, 211–212.

## A Manuscript in Use

The manuscript in which both *Constitutiones* and *Lucidarium* are kept, Ms. germ. fol. 726, was written in Swedish and only younger versions in Latin are extant. The texts must have existed in Latin in the Middle Ages, especially before the establishment of the General Chapters, when the texts were confirmed. The Latin text was probably not used in practice; instead, the texts in the vernacular might have been used and the version in Ms. germ. fol. 726 must have been important. Literacy was stronger in the Birgittine convents than has been thought.<sup>34</sup> Many sisters knew Latin, and it is probable that the abbess must have known it. But most of the sisters only had a practical competence in Latin, a competence that was connected to rituals and liturgy – not to other genres.<sup>35</sup> The *Constitutiones* and the *Lucidarium* were supposed to be used by the sisters themselves. The function of these texts was practical – the sisters needed to understand and follow the regulations – thus, a vernacular version was needed. The corresponding regulations for the priest brothers, the *Liber usuum*, were written in Latin because these regulations were intended to be used by a highly literate community, the monastery.

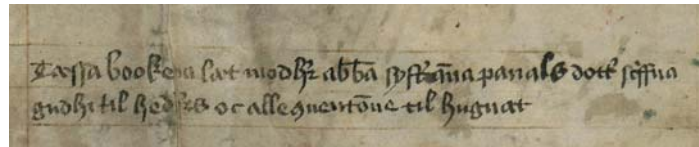


Fig. 46. Cod. Berlin PK Ms. germ. fol. 726, flyleaf, detail. Scribal note.

Ms. germ. fol. 726 was an important manuscript in the convent. It was probably written because of the need to have a collection, in a single manuscript, of all regulations that could be applied to certain situations and be consulted by anyone.<sup>36</sup> Accordingly, the words on the flyleaf state (Fig. 46): »Tæssa bookena læt modher abbatissa syster anna paulsdotter scriffua gudhi til hedhers oc alle conuentonne til hugnat«. <sup>37</sup> There are

<sup>34</sup> CARLQUIST: 2007; HEDSTRÖM: 2009.

<sup>35</sup> CARLQUIST: 2007, 93–94.

<sup>36</sup> WESSÉN: 1968, 34.

<sup>37</sup> [This book is written on the order of the mother abbess, sister Anna Paulsdotter in honour of God and to bring joy to the whole congregation].



also notes in the margins that mark the different parts of this manuscript that were to be read aloud to the congregation.<sup>38</sup> There are also small bookmarkers in the manuscript to guide the reader (Fig. 45); such bookmarkers are usual in table-reading manuscripts.<sup>39</sup>

The manuscript was written to serve the daily life in the convent, and to educate the sisters about what was expected of them. It is thus possible to speak of the power of the book: all regulations were collected in a single manuscript that was read aloud for all the sisters several times a year.

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<sup>38</sup> See for example folio 1r: »Thetta skal læsas til iul oc til pingidzdagha« [This should be read at Christmas and at Whitsun] and a note in the rubric on f. 23r that Augustine's rule shall be read once every month (Figs. 43 and 44).

<sup>39</sup> CARLQUIST: 2007, 19–20. See also WESSÉN: 1968, 40, and ÅSTRÖM in this volume, 49.

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