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Marginalia in Medieval Western Scandinavian Law Manuscripts

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Abstract: In the present chapter, the design of select margins of late medieval Old Norse manuscripts containing the Icelandic ‘Jónsbók’, ‘Kristinréttir Árna biskups’ and Norwegian ‘Landsløg’ law codes is addressed. In particular, it discusses the size and fillings of margins in these codices and the relation to their modes of use by original clients and later owners. Although it is well-known that Scandinavian law manuscripts contain a large number of notes written by both original and later users, the particular use of marginal spaces by original scribes and illuminators for glosses and other annotations and illuminations has scarcely been investigated to date. In my contribution, two distinctive features will be addressed: (1.) The different use of margins by Norwegian and Icelandic readers of the manuscripts, and (2.) the use of margins by illuminators surrounding the column(s) and incorporated initials.

Keywords: Vernacular Law Cultures, Scandinavian History, Material Philology, Secular Book Painting

Marginalia in medieval western Scandinavian law manuscripts provide exceptional areas of research for investigations into the cultural background of Nordic legal cultures.¹ The following chapter will investigate a number of their key features with the help of an interdisciplinary approach: Firstly, the *mise-en-page* and use of marginalia for annotations by readers of Nordic law manuscripts will be put in comparison with medieval standards of annotations within glossed legal manuscripts.² Secondly, select illuminations added to the marginalia of the same

1 For a short introduction to the use of manuscript margins for glossing and annotations, see Raymond Clemens and Timothy Graham. Introduction to Manuscript Studies. Ithaca and London 2007, pp. 35–48.

2 For an introduction to use of canonical and secular law manuscripts in the High and Late Middle Ages, see Susan L’Engle, The Pro-Active Reader: Learning to Learn the Law. In: Henry Ansgar Kelly

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western Nordic law manuscripts will be presented and compared to the previous analysis.³ Despite previous efforts to determine redactions and variances of vernacular law texts within western Scandinavian law manuscripts and fragments,⁴ combined with investigations into codicological structures,⁵ surprisingly little attention has been given to their paratextual contents in the margins.⁶ Although select vernacular Icelandic manuscripts were put in relation to their social and

(ed.), *Medieval Manuscripts, Their Makers and Users* (A Special Issue of *Viator* in Honor of Richard and Mary Rouse). Turnhout 2011, pp. 51–76.

3 For illuminations in medieval European law manuscripts, see Kristin Böse and Susanne Wittekind, *Einführung*. In: Kristin Böse and Susanne Wittekind (eds.), *AusBILDung des Rechts. Systematisierung und Vermittlung von Wissen in mittelalterlichen Rechtshandschriften*. Frankfurt a. M. 2009, pp. 7–19; for illuminations in select Old Norse law manuscripts, see Selma Jónsdóttir, *Gjafamynd í íslenzku handriti*. In: *Árbók hins íslenzka fornritafélags* (1964), pp. 5–19; Knut Berg, *The Illuminations in No. 1154 Folio in the Old Royal Collection, Copenhagen*. In: Magnus Rindal and Knut Berg (eds.), *King Magnus Hákonsson's Laws of Norway and other Legal Texts*. Gl. Kgl. Saml. 1154 Fol. in the Royal Library. Copenhagen, Oslo (1983), pp. 26–35; Bera Nordal, *Lögbókarhandritið Gks. 1154 I folio*. Íslenskt handrit. In: *Skirnir* 159 (1985), pp. 160–81; Karl G. Johansson and Lena Liepe, *Text and Images in Norwegian and Icelandic Fourteenth-Century Legal Manuscripts*. In: Lena Rohrbach (ed.), *The Power of the Book: Medial Approaches to Medieval Nordic Legal Manuscripts* (Berliner Beiträge zur Skandinavistik 19). Berlin 2014, pp. 129–56; Stefan Drechsler, *Zur Ikonographie der AM 350 fol. Skarðsbók*. In: *Collegium Medievale* 27 (2014), pp. 63–113; Stefan Drechsler, *The Illuminated Þjófabálkr in Fourteenth-Century Icelandic Jónsbók Manuscripts*. In: *Viking and Medieval Scandinavia* 12 (2016), pp. 1–40.

4 *Jónsbók: Kong Magnus Hakonssons Lovbog for Island vedtaget paa Altinget 1281 og Rettarboetr: De for Island givne Retterbøder af 1294, 1305 og 1314*, ed. by Ólafur Halldórsson. Copenhagen 1904, pp. xli–lvii; Már Jónsson, *Textatengsl nokkura elstu handrita Jónsbókar*. In: Sigurður Línal and Garðar Gíslason (eds.), *Líndæla: Sigurður Línal sjötugur*, 2. Júlí 2001. Reykjavík 2001, pp. 379–89; *Norges Gamle Love indtil 1387, Andet Band*, eds. by Rudolf Keyser and Peter Andreas Munch. Christiania 1848, pp. 3–5; Anna Catharina Horn, *Lov og tekst i middelalderen: Produksjon og resepsjon av Magnus Lagabøtes landslov* (Göteborgsstudier i nordisk språkvitenskap 26). Gothenburg 2016.

5 For examples of codicological research on medieval Scandinavian law manuscripts, see Kerstin Seidel, *Vorzeigen und nachschlagen: Zur Medialität und Materialität mittelalterlicher Rechtsbücher*. In: *Frühmittelalterliche Studien* 42 (2008), pp. 307–28; Lena Rohrbach, *Die Fabrikation des Rechts. Implikationen medialer Ausformungen in west- und ostnordischen Rechtsbuchhandschriften*. In: Agneta Ney, Henrik Williams and Fredrik Charpenier Ljungqvist (eds.): *Á austrevega: Saga and East Scandinavia 2* (Papers from the Department of Humanities and Social Sciences 14). Gävle 2009, pp. 807–15; Már Jónsson, *The Size of Medieval Icelandic Legal Manuscripts*. In: Lena Rohrbach (ed.): *The Power of the Book: Medial Approaches to Medieval Nordic Legal Manuscripts* (Berliner Beiträge zur Skandinavistik 19). Berlin 2014, pp. 25–38; Lena Rohrbach, *Matrix of the Law? A Material Study of Staðarhólsbók*. In: Lena Rohrbach (ed.), *The Power of the Book: Medial Approaches to Medieval Nordic Legal Manuscripts* (Berliner Beiträge zur Skandinavistik 19). Berlin 2014, pp. 99–128.

6 On paratexts, see Gérard Genette, *Paratexts: Thresholds of Interpretation*. Cambridge 1997.

spatial role as place for short Latin prayers,⁷ or being models for the act of learning to read and write for young pupils, among others,⁸ the factual first-hand use of such written artefacts for the high-medieval lawmen of medieval Norway and Iceland has been somewhat neglected to date. In liaison with the main topic of this book aiming at the normative entitlement of laws and the reactions of the violations of legal norms, this chapter is intended to provide an approach to the design and initial use of medieval western Scandinavian law manuscripts. Accordingly, marginalia in select codices will be described as defining contexts for various annotation practices, and set in relation to specific contents of the main texts.

1 Western Scandinavian Laws in the Middle Ages

After centuries of vernacular, regional law cultures in Norway, followed by a phase of (re)compilation of said regional laws by Norwegian King Hákon Hákonarson (1204–63),⁹ his son, King Magnús Hákonarson (1238–80) the ‘Law-Amender’ (Old Norse ‘lagabœtir’), ordered in 1274 the revision of the regional laws of Norway into a single, national law, the Code of the Norwegian Realm (Old Norse ‘Landslög’).¹⁰ Inspired by parts of the influential Justinian civil law ‘Corpus Juris Civilis’,¹¹ ‘Landslög’ is a result of amendments made to the previous regional laws. It was promulgated at the legal assemblies of Norway in 1267–74. The establishment of ‘Landslög’ is of both international and national provenance, probably brought about by several internationally-acting advocates of King Magnús.¹² In the

7 For examples, see Astrid Marner, on <http://invisibilia.hum.ku.dk/pages/data.aspx> (accessed: 10/10/2019).

8 Matthew J. Driscoll, *Postcards From the Edge: An Overview of Marginalia in Icelandic Manuscripts*. In: *Variants 2/3* (2004), pp. 21–36; see also Jürg Glauser, *Marginalien des Sagatextes. Zu den Rändern von Texten in der mittelalterlichen Literatur Islands*. In: Kristinn Jóhannesson, Karl G. Johansson and Lars Lönnroth (eds.): *Den fornnordiska texten i filologisk och litteraturvetenskaplig belysning: studier och diskussionsinlägg* (Gothenburg Old Norse Studies 2). Gothenburg 2000, pp. 136–45.

9 For a short introduction, see Jørn Øyrehagen Sunde, *Daughters of God and Counsellors of the Judges of Men: Changes in the Legal Culture of the Norwegian Realm in the High Middle Ages*. In: Stefan Brink and Lisa Collinson (ed.), *New Approaches to Early Law in Scandinavia* (*Acta Scandinavica* 3). Turnhout 2014, pp. 131–84, here p. 134.

10 For a concise introduction to the establishment of the regional Norwegian laws, as well as *Landslög*, see Dieter Strauch, *Mittelalterliches Nordisches Recht bis 1500. Eine Quellenkunde* (*Reallexikon der Germanischen Altertumskunde – Ergänzungsbände* 73). Berlin 2011, pp. 109–82.

11 See Sunde (note 9), pp. 132–34.

12 For the advocates of King Hákon Hákonarson, see Strauch (note 10), pp. 159–60.

following decades, ‘Landslög’ were widely copied: a total of forty manuscripts and fifty-five fragmented codices are today known to belong to the medieval transmissions of the national law (although no original manuscript survived).¹³ Apart from the standard derivations to be expected in medieval manuscript culture, no major changes occur between all four redactions of ‘Landslög’.¹⁴ In addition to ‘Landslög’, King Magnús established local assembly laws (Old Norse *Bæjarlög*) in the major cities of Norway in 1276: *Björgvin* (now Bergen) in the west, Oslo and *Tunsberg* (now Tønsberg) in the east and *Niðaróss* (now Trondheim) in the north.¹⁵ Furthermore, King Magnús commissioned ‘Jónsbók’, the regional law for Iceland.¹⁶ ‘Jónsbók’ was posthumously introduced in 1281, after its predecessor ‘Járnsíða’ was introduced partially in 1271 and fully in 1273, but never completely accepted.¹⁷ ‘Jónsbók’ is based on ‘Landslög’, although provisions of the ‘Bæjarlög’ were included for the new tributary land of Norway,¹⁸ parts of the older law of the Icelandic commonwealth, ‘Grágás’, as well as several sections of ‘Járnsíða’.¹⁹

After ‘Jónsbók’ was ratified in the summer of 1281, it was extended and revised a number of times. Most important were royal amendments (Old Norse ‘Rettarbætr’) made in 1294, 1305 and 1314 by later Norwegian kings Eiríkr Magnússon (1268–99) and Hákon Magnússon (1270–19), that cleared disputatious sections. These amendments were very detailed: Altogether, eighty-eight revisions were made to the law up until 1314. Although these revisions differ in length and number, they were suspected to originally have been added to the end of ‘Jónsbók’.²⁰ As with the ‘Landslög’ manuscripts, no codices or fragments containing ‘Jónsbók’

13 For the medieval manuscripts and fragmented codices of *Landslög*, see Kong Magnus Hákonson Lagabøtes landslov (Norrøn tekst med fullstendig variantapparat, Del I), eds. Magnus Rindal and Bjørg Dale Spørck. Oslo 2018, pp. 18–38.

14 Anna Catharina Horn, Lovrevisjonene til Magnus Hákonsson Lagabøte – en historiografisk gjennomgang. In: *Maal og Minne* 2 (2018), pp. 1–27, here p. 7.

15 For the city laws of medieval Norway, see Knut Helle, *Norge blir en stat 1130–1319* (Handbok i Norges historie). Bergen 1974, p. 182.

16 For the establishment of *Jónsbók*, see Sigurður Lindal, *Lögfesting Jónsbókar 1281*. In: *Tímarit lögfræðinga* 32 (1982), pp. 182–95.

17 For the reception of *Járnsíða* in Iceland, see Patricia Pires Boulhosa, *Narrative, Evidence and the Reception of Járnsíða*. In: Jón Viðar Sigurðsson and Sverrir Jakobsson (eds.), *Sturla Þórðarson, Skald, Chieftain and Lawman* (The Northern World 78). London, Boston 2018, pp. 223–32.

18 Ólafur Lárússon, *Den isländska rättensutveckling sedan 1262*. In: *Svensk Juristtidning* 35 (1950), pp. 243–59, here pp. 243–44.

19 Ólafur Lárússon, *Grágás og lögbækurnar* (Fylgirit Árbókar Háskóla Íslands 1922). Reykjavík 1923, pp. 25–75.

20 See *Jónsbók*. *Lögbók Íslendinga hver samþykkt var á alþingiárið 1281 og endurnýjuð um miðja 14. öld en fyrstprentuð árið 1578* (Sýnisbók íslenskrar alþýðumenningar 8), ed. by Már Jónsson. Reykjavík 2004, pp. 18–19.

provides its original, however, since all of them feature a few of these revisions incorporated into the text. It is likely that these sporadic interpolations were done in accordance with a difference in use and interest by the (largely unknown) clients.²¹ Overall, forty-five medieval manuscripts and fragmented codices belong to the redaction incorporating select parts of the ‘Rettarboetr’.²²

Around the middle of the fourteenth century, with *Svalbarðsbók* (Reykjavík, Stofnun Árna Magnússonar í íslenskum fræðum, AM 343 fol.) being classically recognised as the initial manuscript for the revised redaction of ‘Jónsbók’ that features (almost) all ‘Rettarboetr’ being incorporated into ‘Jónsbók’, the textual contents of the law manuscripts remain equally diverse due to further legal texts and sub-texts being added from both secular and ecclesiastical spheres of medieval Iceland. Following the initial production of *Svalbarðsbók* in the 1330s,²³ it is thought to have acted as the most important redaction of ‘Jónsbók’ until the first print of the law code was published in 1578. Even though the incorporated concept of *Svalbarðsbók* remains largely intact, the new variety of ‘Jónsbók’ exists again in several textual models.²⁴ Accordingly, the approach to use differently updated law sections of ‘Jónsbók’ in a single manuscript is found in this so-called interpolated, second group too, although in a wider variance: altogether 148 manuscripts and printed versions comprise this group. Not surprisingly, manuscripts and fragments that belong to the interpolated ‘Jónsbók’ group feature a considerably large number of marginal annotations. In addition, comparatively many of these manuscripts feature text-related book painting.²⁵

2 Annotations in Western Scandinavian Law Manuscripts

Medieval manuscripts and fragments containing influential, mass-copied laws such as the sixth-century Justinian civil law, or the equally widely distributed

²¹ See Már Jónsson (note 20), p. 20.

²² See Már Jónsson (note 20), pp. 20–21.

²³ On the dating of *Svalbarðsbók*, see Jónsbók, ed. Ólafur Halldórsson (note 4), p. xlv.

²⁴ Ole Widding, Jónsbóks to ikke-interpolerede håndskrifter. Et bidrag til den islandske lovbogs historie. In: *Scripta Islandica* 18 (1967), pp. 3–20.

²⁵ For an overview of illuminated medieval Icelandic law manuscripts, see *Icelandic Illuminated Manuscripts of the Middle Ages* (Codicum Islandicorum Medii Aevi VII), ed. by Halldór Hermansson. Copenhagen 1935, pp. 23–28; *Illuminated Manuscripts of the Jónsbók*, ed. by Halldór Hermansson. New York 1940, pp. 8–18.

twelfth-century Canon law ‘Decretum Gratiani’,²⁶ feature a standardised *mise-en-page*: by 1250, the main text is largely written in two columns in the middle, encircled by a two-columned *apparatus*, a collection of standardised, authoritative juridical glosses initially written by the glossator Accursius in 1228–40 and intended to determine the constitutionality of provisions made to the respective law sections. In medieval Bologna and Paris, among the most important places for legal education in Europe at the time,²⁷ legal manuscripts containing these important laws often feature, in addition, a catalogue of *deixis*, cross-shaped asterisks, dots and dashes and other graphical annotations added to the margins by students for guided study.²⁸ Latin legal education was everything but unknown in the medieval North: Parts of the ‘Decretum Gratiani’ law codes are known to have been used in Norway already during the second half of the twelfth century.²⁹ Furthermore, a rapid growth in administrative literacy in western Scandinavia followed a general trend contemporaneously in other parts of western Europe in the fourteenth century.³⁰ Western Scandinavia was undoubtedly contemporary in medieval legislation.

However, in regards to medieval law, the Nordic manuscripts seem to follow layouts less influenced by the Bolognian and Parisian law manuscript models, exemplified by twelfth-century English law manuscripts such as the ‘Leges Angliae’ codex Latin MS 155 (University of Manchester: John Rylands University Library), dated to *ca.* 1200:³¹ written in one column throughout, Latin MS 155 features a similar *bas-de-page* as the (comparably younger) western Scandinavian manuscripts, and shows related use of the margins for glosses with similar signs such as cross-shaped asterisks and *deixis*.³² Glosses in the way they are used in

26 For a short overview of the establishment and production of canonical and secular law manuscripts in the Middle Ages, Peter Clarke, *The Growth of Canon and Civil Law Studies, 1070–1535*. In: Susan L’Engle and Robert Gibbs (eds.), *Illuminating the Law: Legal Manuscripts in Cambridge Collections* (Studies in Medieval and Early Renaissance Art History 33). London 2001, pp. 22–38.

27 Gero R. Dolezalek, *Libro magistrorum and the Transmission of Glosses in Legal Textbooks (12th and Early 13th Century)*. In: Vincenzo Colli (ed.), *Juristische Buchproduktion im Mittelalter*. Frankfurt a. M. 2002, pp. 315–49, here p. 317.

28 See L’Engle (note 2), here pp. 60–61.

29 Vegard Skånland, *Det eldste norske provinsialstatutt*. Oslo 1969; Erik Gunnes, *Erkebiskop Øystein: statsmann og kirkebygger*. Oslo 1996, pp. 133–39.

30 Lena Rohrbach, *Construction, Organisation, Stabilisation. Administrative Literacy in the Realm of Norway, the Case of Iceland*. In: Steinar Imsen (ed.), *Rex Insularum. The Realm of Norway and its Dependencies*. Trondheim 2014, pp. 227–63.

31 M. R. James, *A Descriptive Catalogue of the Latin Manuscripts in the John Rylands Library at Manchester*. Manchester 1921, p. 265.

32 Latin MS 155 is fully digitalised at <https://130.88.97.99/luna/servlet/detail/Man4MedievalVC~4~4~602661~122103:Leges-Angliae> (accessed: 10/10/2019).

manuscripts containing Latin-written civil or Canon law appear to be absent in the medieval Scandinavian law manuscripts containing vernacular ‘Landsløg’ or ‘Jónsbók’ laws. Quite to the contrary, mainly written in one or two columns entirely, the *mise-en-page* of Nordic law manuscripts appears to be little different from other literature written in the vernacular at the same time in Norway and Iceland.³³ The overall layout of the Icelandic *Svalbarðsbók*, previously mentioned in relation to the interpolated version of ‘Jónsbók’, exemplifies this standard of medieval Scandinavian *mise-en-page*: The codex is comprised of two columns of about twenty-eight lines each, with added annotations by a number of different hands, some of which probably not much younger than the main hand. The use of margins in *Svalbarðsbók* is thus not reduced to a catalogue of graphical annotations known from law manuscripts produced in Bologna, Paris, Oxford (or London, where Latin MS 155 was possibly produced), and other European centres’ legal education; universities that were indeed frequented by Scandinavian studies during the Middle Ages and studying both legal studies and theology, as well as other disciplines, in rising numbers.³⁴ The knowledge of applying similar annotations to the western European legal manuscripts to alter the contents of the main text was well known too and was in use in Norway and Iceland from at least the turn to the fourteenth century on. For example, cross-shaped asterisks linking a marginal note with the respective section in the main text are found frequently in the previously mentioned Norwegian ‘Landsløg’ codex NB Ms 1 4to.³⁵ In contrast, however, *deixis* are almost unknown from medieval Scandinavian law manuscripts. Although AM 134 4to, the oldest known ‘Jónsbók’ manuscript dated to 1281–94,³⁶ provides *deixes* added to the margins of fol. 9r, followed a leaf later by a large annotation of a (likely) fourteenth-century hand,³⁷ the *deixis* are unlikely to have been added contemporaneously with the production or slightly later. To my knowledge, the oldest *deixis* in Icelandic law manuscripts being potentially added to the margins contemporaneously with the production is found on fol. 78r

33 For examples, see Matthew J. Driscoll and Svanhildur Óskarsdóttir (eds.), *66 Manuscripts from the Arnamagnæan Collection*. Copenhagen 2015.

34 Sverre Bagge, *Nordic Students at Foreign Universities until 1660*. In: *Scandinavian Journal of History* 9/1 (1984), pp. 1–29.

35 NB Ms 1 4to is fully digitalised at <https://www.nb.no/nbsok/nb/9dbccd9e0b591d6d3e54a7a08796cc5e.nbdigital?lang=no#0> (accessed: 10/10/2019).

36 On the dating of AM 134 4to, see *Early Icelandic Script as Illustrated in Vernacular Texts from the Twelfth and Thirteenth Centuries* (Íslensk handrit folio 2), ed. by Hreinn Benediktsson. Reykjavík 1965, p. liii.

37 AM 134 4to is fully digitalised at <https://handrit.is/is/manuscript/view/AM04-0134> (accessed: 10/10/2019).

in the codex *Skálholtsbók eldri* (Reykjavík, Stofnun Árna Magnússonar í íslenskum fræðum, AM 351 fol.), dated to ca. 1400.³⁸

Use of the margins, however, for a critical approach towards the content of the main text appear earlier, and mainly in the interpolated, second group of ‘Jónsbók’. *Svalbarðsbók*, mentioned above as being the earliest known manuscript to feature this redaction, provides many such critical glosses. Accordingly, the dialogue between columns and surrounding glosses is largely extended into the margins. This is exemplified on f. 43v, at the start of the section determining the lease of land and tenancy (Old Norse *Búnaðarbálkr*),³⁹ where the content of the section is commented with a critical undertone: ‘Mier skilst domr me ga vera þo eij sie a þinge þuj bokin talar sierdeillis vid a og nefnir þing manna dom.’ (‘I understand the judgement may be [like this], though it is not [taking place] in the parliament because the book tells in very general terms and mentions parliamentary debate’).⁴⁰ Furthermore, neither are the royal, and therewith official law amendments to ‘Jónsbók’, entirely complete in *Svalbarðsbók*, the supposed first manuscript to feature an interpolated redaction of the law, as respective revisions were in some examples added to the margins to accompany and amend the content written in the columns.

The character of the integration of law amendments into ‘Jónsbók’ such as in *Svalbarðsbók* and other manuscripts of this second group of ‘Jónsbók’ manuscripts provides a critical approach towards the completeness of the interpolated redaction by the time ‘Jónsbók’ was revised and recompiled in the fourteenth century. The study of the margins highlights the individual modes of redacting the ‘Jónsbók’ text and further legal texts within the same material monuments. Similarly, AM 134 4to, mentioned above as part of the earlier ‘Jónsbók’ group, features a large number of marginal annotations, where they serve the same function: as individual guidance and alteration of the Icelandic law.

In Norwegian ‘Landsløg’ manuscripts, comparatively less annotations are found, although they were clearly made with a similar purpose: largely, glosses added to the margins surrounding the text contain thoughts to gain further insight into particular exegeses of the law. For example, the law manuscript NB

³⁸ On the dating of AM 351 fol., see Stefán Karlsson. Hauksnautur. Uppruni og ferill lögbókar. In Gísli Sigurðsson et al. (eds.), *Sólhvarfasumbl sama borið handa Þorleifi Haukssyni fimmtugum 21. desember 1991*. Reykjavík 1992, pp. 62–66.

³⁹ See Már Jónsson (note 20), p. 21.

⁴⁰ All translations are my own unless otherwise stated. The *Jónsbók*-section *Búnaðarbálkr*. In older research also named *Landsleigubálkr* and sometimes set apart from this, deals with tenancy, farming, and land redemption. *Svalbarðsbók* is fully digitalised at <https://handrit.is/is/manuscript/view/AM02-0343> (accessed: 10/10/2019).

MS 1 4to (Oslo, Nationalbiblioteket), dated to *ca.* 1300–50,⁴¹ provides an exegesis different from the example from *Svalbarðsbók* mentioned above. At the end of the section on personal rights and the maintenance of peace (Old Norse *Mannhelgisbálkr*), the margin is largely filled with a subchapter to called ‘Um jafnaðar eiða’ by a (likely) fifteenth-century hand.⁴² The added text, summarised, list a number of examples of agreements on personal rights. Although they were established shortly before ‘Landslög’ in 1274,⁴³ it was less incorporated into the main text: the respective part is only found in twenty-seven ‘Landslög’ manuscripts, and added to other law sections in further three codices.⁴⁴ The addition to the margin in NB MS 1 4to is unique. It may nevertheless hint towards a similar use; as reference to an external text.

References to external legal works appear outside of ‘Jónsbók’ and ‘Landslög’. It is found, for example, in the Icelandic Christian laws named ‘Kristinréttir Árna biskups’, which in 1275 was formulated by its name-giver, Bishop Árni Þorláksson (1237–98) of Skálholt, to replace the Christian laws section (Old Norse *Kristinna laga þáttir*) of the previously named ‘Grágás’. Annotations made to the ‘Kristinréttir Árna biskups’ are found in the manuscripts AM 49 8vo and *Skarðsbók* (AM 350 fol.), both at Reykjavík, Stofnun Árna Magnússonar á Íslandi. Dated to *ca.* 1300 and 1363 respectively,⁴⁵ the similar use of the margins made by contemporary-medieval users strongly hint towards a highly educated study of the vernacular ecclesiastical law: annotations were made contemporaneously to the Icelandic text and references were given not only to predecessors to the Norwegian ‘Landslög’ such as the regional law compilations ‘Gulaþingslög’ or ‘Frostaþingslög’,⁴⁶ but also to respective ‘Kristinna laga þáttir’ sections of ‘Grágás’, as well as to the ‘Decretales Gratiani’.⁴⁷

⁴¹ For the dating of NB Ms 1 4to, see Jónas Kristjánsson, *Íslensk handrit í Háskólabókasafninu í Ósló*. Reykjavík 1967, p. 53; *Norges Gamle Love indtil 1387*. Fjerde Bind, ed. by Gustav Storm. Christiania 1885, p. 724; see also *Landslov*, eds. by Rindal and Spørck (note 13), pp. 28–29.

⁴² For the text, see Keyser and Munch (note 4), pp. 70–71.

⁴³ See Jørn Øyrehagen Sunde, *Magnus Lagabøters landslov*, on https://snl.no/Magnus_Lagab%C3%B8sters_landslov (accessed: 10/10/2019).

⁴⁴ See Keyser and Munch (note 4), p. 70.

⁴⁵ On the dating of AM 49 8vo and *Skarðsbók*, see *Sagas of Icelandic Bishops: Fragments of Eight Manuscripts (Early Icelandic Manuscripts in Facsimile 7)*, ed. by Stefán Karlsson. Copenhagen 1967, p. 56; *Katalog over den Arnamagnæanske håndskriftsamling*, ed. by Kristian Kålund. Copenhagen 1889, pp. 284–85.

⁴⁶ ‘Gulaþingslög’ or ‘Frostaþingslög’ are commonly dated the late twelfth century and earlier. They belong to the oldest Scandinavian law compilations; see Strauch (note 10), pp. 108–26.

⁴⁷ See Elizabeth Walgenbach, *Kristinréttur Árna og neðanmálgreinar frá miðöldum*, AM 49 8vo, on <https://www.arnastofnun.is/is/utgafa-og-gagnasofn/pistlar/kristinrettur-arna-og-nedanmalsgreinar-fra-midoldum-am-49-8vo> (accessed: 10/10/2019).

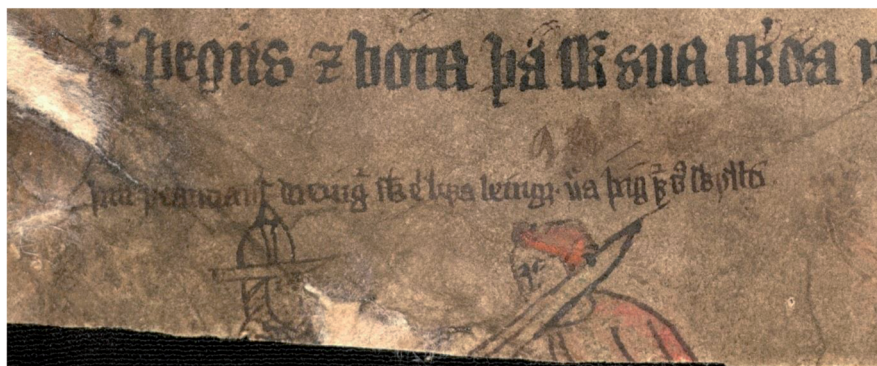


Figure 1: GKS 3269 b 4to, f. 7v: *Jónsbók*, ca. 1330–40. Reykjavík: Stofnun Árna Magnússonar í íslenskum fræðum. Photo: Jóhanna Óláfsdóttir.

The content and structure of the ‘Kristinréttir Árna biskups’ itself already demonstrates profound knowledge of standard Canon law from the Continent, as well as a sound practice of its integration into thirteenth-century Iceland laws.⁴⁸ *Skarðsbók*, in this regard, is exceptional as it not only provides more detailed references than AM 49 8vo; it also states later in the manuscript on ff. 142v–43v a number of paratexts that refer to Classic patrological texts, as well as Church council acts.⁴⁹ Not surprisingly, the text the annotations were made to (translated) ecclesiastical statutes and agreements, some of which appear first in medieval Iceland in *Skarðsbók*.⁵⁰

In conclusion, the layout of Old Norse law codices differs in several ways the *mise-en-page* of European law manuscripts: annotations added to the margins function as individual guidance, alteration and study of the major medieval western Scandinavian law codes, ‘Landslög’ and ‘Jónsbók’, as well as the ecclesiastical ‘Kristinréttir Árna biskups’. As will be shown below, illuminations added to the margins of some of the same law manuscripts often fulfil a similar purpose.

⁴⁸ See Magnús Lyngdal Magnússon, Kátt er þeim af kristinrétti, kærur vilja margar læra: Af kristinrétti Árna, setning hans og valdsviði. In: Gripla 15 (2004), pp. 43–90; on the use of Roman and Canon law in medieval Iceland, see Sigurður LINDAL, Um þekkingu Íslendinga á rómverskum og kanónískum rétti frá 12. öld til miðrar 16. aldar. In: Þórólfur Jónsson (ed.), Úlfjótur Afmælisrit 50. Reykjavík, 1997, pp. 241–73.

⁴⁹ See Astrid MARNER, Data for AM 350 fol., on <http://invisibilia.hum.ku.dk/pages/data.aspx?ID=140&Type=MS> (accessed: 10/10/2019).

⁵⁰ See Lena ROHRBACH, Repositioning Jónsbók. Rearrangements of the Law in Fourteenth-Century Iceland. In: Steinar IMSÉN (ed.), Legislation and State Formation. Norway and its Neighbours in the Middle Ages (Norgesveldet. Occasional Papers 4). Trondheim 2014, pp. 183–209.

3 The Use of Margins for Historiated Book Painting

As part of the original production, margins of medieval western Scandinavian law manuscripts, too, were used for paintings made by main illuminators responsible for the respective codices. In line with a standard in medieval illumination practice, the bordering areas in and around the text columns were used to provide space for the wild, speculative and lawless world of medieval imagination.⁵¹ The contents of these marginalia illuminations are in most cases rather loosely related to the study of the text, and may exemplify the content with potential first-hand deeds that may have occurred in high numbers during the Scandinavian Middle Ages. The inner field of a major initial, generally put at the beginning of a new section of either 'Jónsbók' or 'Landslög', remains a secure space for the constitutional use of the law, as well as the correct presentation as to how the law shall be practiced. *Svalbarðsbók* again provides one of the initial Scandinavian law manuscripts to feature book painting in the margin to illustrate the division between the inner field of the main initial and the outside.

While medieval book painting is classically divided into inner and outer fields as presented, an example in *Svalbarðsbók* differs from this pattern: in the main initial on f. 14v, a killing scene is depicted, starting the previously mentioned 'Mannhelgisbálkr'. As such, the content differs strongly from the standard depicting the lawful sphere in the initial: in *Svalbarðsbók*, an innocent man is killed while pointing to the land below that is supposedly taken from him. While this iconography is vividly adapted in several 'Jónsbók' codices from Iceland in the following decades, *Svalbarðsbók* features a further, unique figure in the left margin. Probably representing the critical mind of the viewer, the depicted figure condemns the deed with a raised finger, a known medieval gesture to issue a command, or to condemn an action as is happening in this case. Accordingly, the 'confusion' presented in the initial of *Svalbarðsbók* may have a mnemonic intention: while the inner field of the initial clearly shows the execution of an unlawful act, it is the figure in the margins that hints towards the drastic wrongdoing of the killer. Otherwise, such misdeeds are generally depicted as part of the margins of

⁵¹ Most important on the matter remains Michael Camille. *Images on the Edge: The Margins of Medieval Art* (Essays in Art and Culture). London 1992. For a survey on the research of iconography in the margins of medieval manuscripts, see Kathryn A. Smith, *Margin*. In: Nina Rowe (ed.), *Studies in Iconography* 33 (Special Issue *Medieval Art History Today – Critical Terms*). Kalamazoo 2012, pp. 29–44.

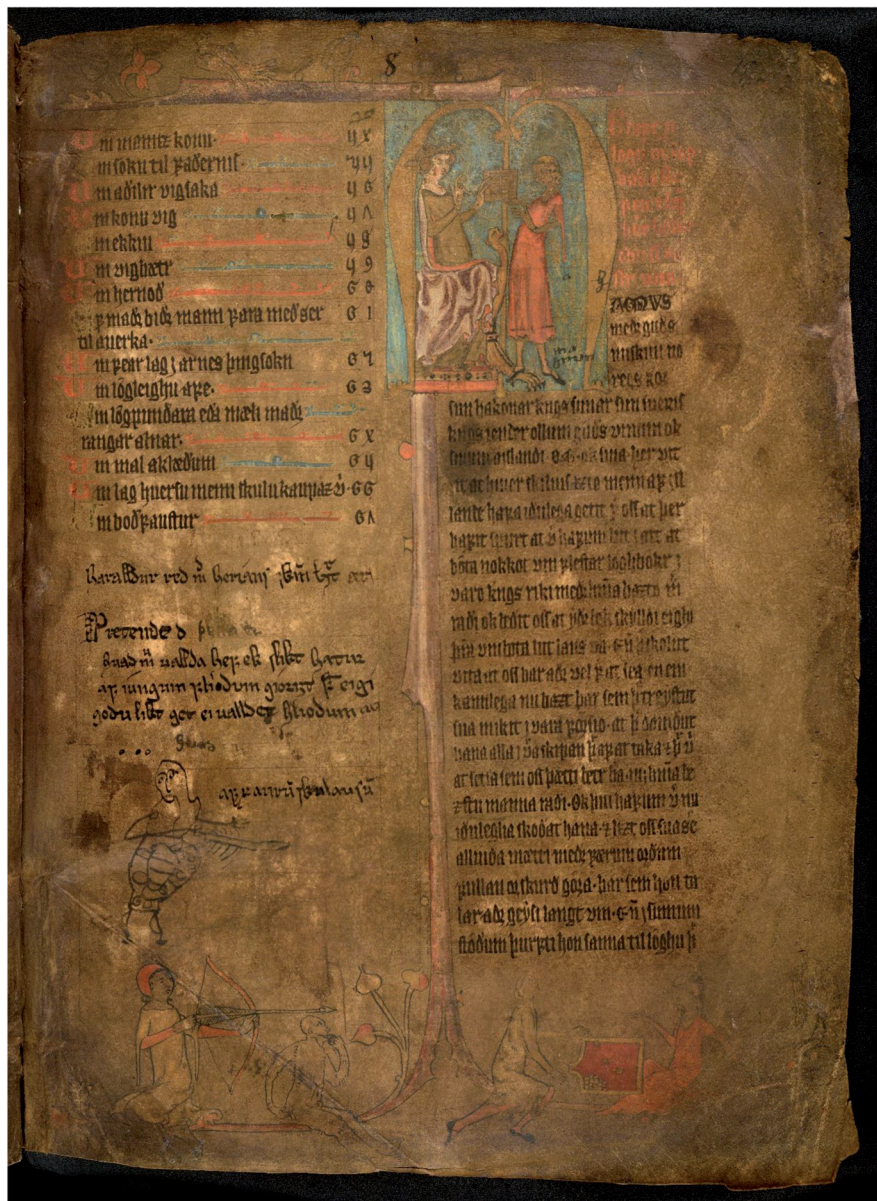


Figure 2: AM 347 fol. (Belgsdalsbók), f. 8r: Jónsbók, ca. 1350–70. Reykjavík: Stofnun Árna Magnússonar í íslenskum fræðum. Photo: Jóhanna Óláfsdóttir.

Scandinavian law manuscripts, following the Gothic trend to relocate non-conform actions into the marginalia.⁵² A contemporarily-produced law manuscript with *Svalbarðsbók*, GKS 3269 b 4 to (Reykjavík, Stofnun Árna Magnússonar í íslenskum fræðum), exemplifies this practise: similarly placed at the beginning of ‘Mannhelgisbálkr’, GKS 3269 a 4to depicts below the two text columns the punishment of a criminal by a similar sword blow as in the previous example from *Svalbarðsbók*, this time however killed by a knight, an *official* of the king (see **Fig. 1**). Further added with the inscribed, formal interpretation of the execution, the king’s man executes the lawbreaker with a wish to consign the soon-to-be-killed villain into God’s hands: þetta feandans dreingr skal eigi lifa leingr. vera þíg fyrir Guds skyld’ (This devilish boy shall not live any longer. You shall be in God’s hands). Other examples in the margins in GKS 3269 b 4to, as well as several younger codices of the interpolated redaction of ‘Jónsbók’, show a similar approach with varying complexity.

The most advanced law manuscript from the interpolated, second *Jónsbók* group in respect to number of interpolations and further up-to-date legal content, as well as iconographic content is undoubtedly the previously mentioned *Skarðsbók*. It features a textual model most closely related to that of *Svalbarðsbók*.⁵³ Apart from the text, the book painting and *mise-en-page* of *Skarðsbók* is following yet another trend: in *Skarðsbók*, margins are generally used to further illustrate the text in an educated, although often text-unrelated manner: undoubtedly inspired by models from the mainland, *Skarðsbók* features numerous Grotesque marginal ornamentation with a plethora of Grylli- and further zoomorphic figures.⁵⁴ However, this is not always the case, exemplified by an illumination of the later part of ‘Jónsbók’ in *Skarðsbók*, the section on the social duties and how people are to take care of their direct relatives (Old Norse *Framfærslubálkr*).⁵⁵ These social duties are mainly related to younger people as the introductory text on f. 27r describes: ‘HVER maðr aa fram at | færa fodur sínn | ok modur. huort | sem hann er skilge | tinn. edr frillu bo | rinn ok svá börn sín’ (Every man has to support his father and mother. It does not matter whether he was born in wedlock or an illegitimate, and so his children). This social aspect is directly referred to in

⁵² For this, see the classical study of Lilian M. C. Randall. *Images in the Margins of Gothic Manuscripts* (California Studies in the History of Art 4). Berkeley, Los Angeles 1966, as well as Smith (note 51), p. 42, for further references.

⁵³ Már Jónsson (note 20), pp. 21–23. For the textual content of *Skarðsbók*, see Rohrbach (note 50), with further references.

⁵⁴ Drechsler: *Skarðsbók* (note 3), pp. 71–72.

⁵⁵ *Skarðsbók* is fully digitalised at <https://handrit.is/is/manuscript/view/AM02-0350> (accessed: 10/10/2019).

the counter of the initial, in which the gesture of the young man on the right likely may symbolise charity towards the old man.⁵⁶ Below the initial in the margin, a mother is depicted lying on the ground together with a young child. Both the implied attitude the young man takes towards the old man, and the mother and child depiction on the outside, strongly suggest a moral exegesis of the text.

Belgsdalsbók (AM 347 fol., Reykjavík: Stofnun Árna Magnússonar í íslenskum fræðum), a manuscript containing the uninterpolated, first redaction of ‘Jónsbók’, appears to include a particular mocking of King Magnús Hákonarson (see **Fig. 2**): on f. 8r, where ‘Bréf Magnúss konungs’, the king’s letter to the Icelandic people is introduced, the king is depicted on his throne, handing over the law to a lawman or servant, potentially his ambassador Lóðinn leppr, or Jón Einarsson, the honoured Icelandic name-giver of the law code. Gesture and division of space in the large initial strongly support the official nature of the introduced text. The lower margin, however, again exemplifies the lawless nature of the space as it depicts a text-unrelated interaction between two scenes: on the left, an archer spans his bow flanked by a sitting ape scratching his bottom. The scene on the right depicts two sitting, apparently more civilised, figures playing knucklebones in the middle. It appears likely, although unverifiable, that the separation of the two scenes is strengthened through the tree trunk emerging from the initial letter above, and the introductory letter by the king that accompanies the players on the right: While the two scenes below may indicate a separation of upper and lower medieval social classes, the celebratory gesture of the two figures in the main initial is obviously connected rather to the civilised, playing figures below, albeit with a certain contradiction as the official nature of the image in the initial is not reflected below. In either case, the use of marginalia to depict lawless figures, or at least those who (often) act in discordance with the law, is a common use of this generally unwritten space. To that effect, the interplay of rightful doings (the condemning figure in *Svalbarðsbók*, the killing in GKS 3269 b 4to, the scene in the example from *Skarðsbók*) seems not to follow narrative-tellings known from other medieval literary genres, such as illuminated prayer books and psalters with a particular intention to support private devotion.⁵⁷ Rather, they seem to exemplify law cases within the introduced text. The contradiction of civilised/non-civilised actions in the margins of the example from *Belgsdalsbók*, on the

⁵⁶ Lena Liepe, *Studies in Icelandic Fourteenth Century Book Painting* (Snorrastofa Rit 4). Reykholtt 2009, pp. 26–27.

⁵⁷ See, for example, Anne Rudloff Stanton, *Turning the Pages: Marginal Narratives and Devotional practice in Gothic Prayerbooks*. In Sarah Blick and Laura D. Gelfand (eds.), *Push Me, Pull You. Imaginative and Emotional Interaction in Late Medieval and Renaissance Art*. Volume One. Leiden and Boston 2011, pp. 75–121.

other hand, follows a pattern known from psalters where grotesque marginality appears frequently in large numbers and has a complex relationship with the text.⁵⁸ It is worth noting, however, that in comparison, the Icelandic illuminators keep a particularly close eye on the text that is illuminated by their paintings. Many of these illuminations offer an innovative spirit, which is most likely due to the fact that few of the ‘Jónsbók’ and ‘Landslög’ texts had been previously illuminated.⁵⁹

4 Conclusion

It has been rightfully claimed by the philologist Matthew J. Driscoll that margins of Old Norse manuscripts provide examples of ‘Postcards on the Edge’, which provide first-hand examples of the medieval and early Modern society using these manuscripts for many purposes.⁶⁰ The use of a manuscript and its critical apparatus as found in annotations is often favoured by a larger margin and, at the same time, the number and size of the columns in relation to the margins. As this chapter has shown, the margins of Western Scandinavian law manuscripts serve both practical and scrutinising purposes: annotations made to the main texts generally serve as individual guidance and alteration, as well as references to external legal texts and law sections that were either used for the compilation, or that were omitted in later states of the (re-)writing of said laws. On the other hand, the content is sometimes also questioned and related to individual thoughts and experiences of (most likely) observed law cases in medieval Iceland. However, the individual integration of the amendments seems to be less relevant for the medieval reader as they appear as often uncommented addition to the main text in the margins. The respective chapters, meanwhile, provide less indications for particular use of study by students that learn the law through the manuscripts. Comparatively few marginal notes indicate such use clearly. Marginalia in western Scandinavian law manuscripts show a particular pragmatism, which, in contrast to the often-assumed use of these codices for merely teaching purposes, provides

58 See Smith (note 51), with further references.

59 Drechsler: *Skarðsbók* (note 3), pp. 106–8; The same innovative spirit applies also to other genres of Old Norse literature. See Lena Liepe, *The Knight and the Dragon Slayer. Illuminations in a Fourteenth-Century Saga Manuscript*. In Margrethe Stang and Kristin A. Aavidsland (eds.), *Ornament and Order: Essays on Viking and Northern Medieval Art for Signe Horn Fuglesang*. Oslo 2008, pp. 179–99, and Stefan Drechsler, *Ikonographie und Text-Bild-Beziehungen der GKS 1005 fol. Flateyjarbók*. In: *Opuscula* 14 (2016), pp. 215–300.

60 See Driscoll (note 8).

powerful examples for the use of learned experts in law. The illuminations clearly stem from the same cultural surrounding and workshops and seem to trespass this view by adding a number of practicality-related issues to the agenda: an often proposed 'lower society' in medieval manuscripts also is well reflected in the margins. With the notable exemptions of *Svalbarðsbók*, in GKS 3269 a 4to, *Skarðsbók* and *Belgsdalsbók* in particular, a lesser noble society is indeed reflected in the margins of the legal texts' folio leaves. The contents of these marginalia illuminations are in most cases rather loosely related to the study of the text and exemplify the content with potential first-hand deeds that may have occurred in high numbers during the Scandinavian Middle Ages.