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The Early Christian Laws of Iceland:
Some Observations



DEPARTMENT OF ANGLO-SAXON, NORSE, AND CELTIC

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Hector Munro Chadwick (1870–1947) was Elrington and Bosworth Professor of Anglo-Saxon in the University of Cambridge from 1912 to 1941. Through the immense range of his scholarly publications, and through the vigorous enthusiasm which he brought to all aspects of Anglo-Saxon studies — philological and literary, historical and archaeological — he helped to define the field and to give it the interdisciplinary orientation which characterizes it still. The Department of Anglo-Saxon, Norse, and Celtic, which owes its existence and its own interdisciplinary outlook to H.M. Chadwick, has wished to commemorate his enduring contribution to Anglo-Saxon and kindred studies by establishing an annual series of lectures in his name.

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The Early Christian Laws Of Iceland: Some Observations

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The body of early Icelandic law conveniently but erroneously called *Grágás* begins with *kristinna laga þáttur*, the Christian Laws Section.¹ In some 11000 words it lays down the rules for Christian observance among the Icelanders. They cover baptism and burial, church sites, church maintenance and foundation charters, bishops and priests; they forbid heathen practices, witchcraft and superstition; they prescribe observance of Sunday and Saturday, Christmas and Easter, Whitsun and Ember days; they list the obligatory feast-days and the days when fishing and hunting are regulated; they describe the Lenten and other fasts and what fasting entails. All the texts preserved whole have a colophon:

Svá settu þeir Ketill byskup oc Þorlákr byskup at ráði Qzurar erkibyskups ok Sæmundar ok margra kennimanna annarra kristinna laga þátt sem nú var tínt ok upp sagt.

¹ The following abbreviations are used: *DI* = *Diplomatarium Islandicum*, 16 vols. (Copenhagen and Reykjavík, 1857–1972); *DN* = *Diplomatarium Norvegicum*, 21 vols. (Oslo, 1849–1976); *Grágás Ia–b* = *Grágás Islændingernes lovbog i fristatens tid, utgivet efter det kongelige Bibliotheks Haandskrift*, ed. Vilhjálmur Finsen (Copenhagen, 1852); *Grágás II* = *Grágás efter det Arnamagnæanske Haandskrift Nr. 334 fol., Staðarhólsbók*, ed. Vilhjálmur Finsen (Copenhagen, 1879); *Grágás III* = *Grágás. Stykker, som findes i det Arnamagnæanske Haandskrift Nr. 351 fol. Skálholtsbók og en Række andre Haandskrifter*, ed. Vilhjálmur Finsen (Copenhagen, 1883); *KLNM* = *Kulturhistorisk Leksikon for nordisk middelalder fra vikingetid til reformationstid*, 22 vols. (Copenhagen, 1956–78); *Laws* = A. Dennis, P. Foote, R. Perkins, *Laws of Early Iceland: Grágás. The Codex Regius of Grágás, with material from other manuscripts*, 2 vols. (Winnipeg, 1980–2000); *NgL* = *Norges gamle Love indtil 1387*, ed. R. Keyser, P.A. Munch, G. Storm, E. Herzberg, 5 vols. (Christiania, 1846–95); *Ordforrådet* = A. Holtsmark, *Ordforrådet i de eldste norske håndskrifter til ca. 1250* (Oslo, 1955); *Ordforrådet* = L. Larsson, *Ordforrådet i de älsta isländska handskrifterna* (Lund, 1891); *Patrologia Latina* = *Patrologia cursus completes series latina*, ed. J.P. Migne, 234 vols. (Paris, 1844–5); *Vorlesungen* = K. Maurer, *Vorlesungen über altnordische Rechtsgeschichte*, 5 vols. (Leipzig, 1907–38).

Bishop Ketill and Bishop Þorlákr laid down the Christian Laws Section in consultation with Archbishop Ózurr and Sæmundr and many other clerics, as it has now been rehearsed and recited.

We can put dates to these names: Þorlákr of Skálholt was consecrated in 1118, died in 1133; Ketill of Hólar returned to Iceland from his consecration in 1122, died in 1145; Sæmundr Sigfússon, a prominent figure of the Icelandic establishment, died in 1133, the same year as Bishop Þorlákr. The Christian Laws Section can thus be dated between 1122 and 1133, say about 1125. The reference to the Danish metropolitan who had consecrated both the named bishops — he died an old man in 1137 — lends authority but may be no more than a courtesy: at best he may have uttered or muttered *nihil obstat* if a draft was submitted to him. There is no trace of Danish law or practice in the Icelandic rules, but we suffer from lack of early sources: the first Danish law-texts are from 80 to 120 years later than the Icelandic articles.

We may note that a comparable section on Christian observance in the older laws of Västergötland, put together soon after 1200, manages in less than a quarter of the words used in the Icelandic, another in the twelfth-century Norwegian Borgarthing Law in about half as many.² This is not because of Icelandic prolixity but because of Icelandic precision and detail. Commentators have also noted the absence of various matters in which churchmen had legitimate interest: some of these, especially provisions relating to inheritance and marriage and tithe, are elaborated in other sections of *Grágás*, but some, primesigning and confession, for example, are mentioned only in passing and others not mentioned at all: no reference to archbishop or pope, to sanctuary, church attendance, communion, confirmation, no reference to a penitential tariff or to excommunication.³ These universal elements in Christian practice must have been taken for granted. They were not matters for localized legislation, and to query their absence is to misunderstand the intention of the law-framers.

² *Äldre Västgötalagen*, ed. E. Wessén (Stockholm, 1965), pp. 1–6; *NgL* I, 339–52.

³ Cf. e.g. Ólafur Lárusson, *Yfirlit yfir íslenska rjettarsögu* (Reykjavík, 1932), pp. 125, 127.

They were not composing a comprehensive church law but a work of practical instruction on how a Christian life was to be led in Icelandic conditions: in Icelandic terrain, much of it volcanic and unstable, and Icelandic weather, often extreme, among the country's scattered settlements and physical hazards. Hence the detailed emphasis on social interdependence, on every householder's duty to give aid to bring an infant to baptism and a corpse to the grave; their duty to give board and lodging to travellers overtaken by nones on a Saturday so that they could keep Sunday as was proper. And so on. These duties were now spelt out in detail and imposed by law.

In the southern diocese of Skálholt — it covered three-quarters of the country — the Christian Laws Section was superseded in 1275 by a code called Bishop Árne's Christian Law.⁴ The 'old' Christian Laws, as the *Grágás* section then came to be called, remained in force in the northern diocese of Hólar until a royal decree replaced it with the southern code in 1354.⁵ By then much of it was thoroughly out of date but copies of it continued to be made.

As far as I know, no one has doubted the words of the colophon, but it is self-evident that in their present form they are in some way editorial, though they clearly belonged in the archetype from which all our known copies descend. Those copies number nine complete texts, one that is defective and another both defective and irrelevant. All but this last are listed below and because the Icelandic codex names are something of a mouthful I refer to them by the alphabetical sigla attached. (I have left out I and K, both of which might mislead.) In any case, the names associated with the codexes refer to their seventeenth-century provenance and give no indication of their place of origin.⁶

⁴ *NgL* V, 16–56.

⁵ *DI* III, 98–9.

⁶ The dates given are those found in *Ordbog over det norrøne prosasprog. Registre* (Copenhagen, 1989). On the dating of B and C see Gunnar Karlsson, 'Ritunartími Staðarhólsbókar', *Sólhvarfasumbl saman borið Þorleifi Haukssyni* (Reykjavík, 1992), pp. 40–2, and Stefán Karlsson, 'Hauksnautur', *ibid.*, pp. 62–6. On the main hands of A and B see Stefán Karlsson, *Stafkrókar* (Reykjavík, 2000), pp. 253–73.

Manuscripts of the Christian Laws Section:

- A Konungsbók. GKS 1157 fol. c. 1250.
- B Staðarhólsbók. AM 334 fol. c. 1270.
- C Skálholtsbók. AM 351 fol. c. 1360–1400.
- D Staðarfellsbók. AM 346 fol. c. 1350.
- E Belgsdalsbók. AM 347 fol. c. 1350.
- F Arnarbælisbók. AM 135 4to. c. 1350.
- G Hlíðarendabók. AM 158 4to B. c. 1400.
- H AM 50 8vo. c. 1500.
- J AM 173 4to C. c. 1330–70. Defective.
- L AM 181 4to, c. 1675, representing Leirárgarðabók (a lost fourteenth-century copy).

Nine will not seem many to those who deal with English canons of the twelfth and thirteenth century, copies of which are reckoned on average to number fifty. And what Cheney said of those English sources — ‘Seldom do two texts agree. There are peculiar transpositions, or variant phrases, or passages added or omitted’⁷ — only partially applies to the Icelandic texts. There is certainly variation of the kind he mentions and the likelihood of contamination through access to more than one exemplar must indeed be taken into account, but the main body of the laws remains coherent and the phrasing consistent even when the morphology is modernized, the syntax streamlined and the content compressed.

Naturally, much of the content of the Christian laws can be paralleled elsewhere: they are regulations that make part and parcel of traditional church custom in Western Europe from early times, now applied to Icelandic circumstances. The compilation is likely to have been eclectic: the missionary bishops who worked in Iceland in the eleventh century came from England and Germany; the first two native bishops were educated in Westfalen and both were consecrated

⁷ C.R. Cheney, *The English Church and its Laws 12th–14th Centuries*, Variorum reprints, Collected Studies Series 160 (London, 1982), p. 218.

by German archbishops, in 1056 and 1082 respectively; prominent clerics in the northern diocese in the second decade of the twelfth century were from Lotharingia and Swedish Götaland; as I mentioned, the Danish background is nebulous, but influence from Lund as the metropolitan see of Scandinavia from 1103/4 onward cannot be entirely discounted. As it is, the chief similarities are to be found in Norwegian law, though altogether it is difficult to demonstrate that any Norwegian law-text was a predominant influence. Church law that already applied in Iceland was also incorporated: announcements of obligatory feast-days and some other universal instructions were obviously needed long before the 1120s and it is probably among these that we find the Lawspeaker's 'ego' pronouncements: 'Fimmtán eru þeir dagar á tólf mánuðum er menn skulu eigi fleira veiða en nú mun ek telja', 'There are fifteen days each year when men are not to hunt and fish more than I shall now enumerate' (*Grágás* Ia, p. 31), for instance. Some provisions go back a good way. In a passage on unclean animals not to be eaten we find, for example, one article which says that a pig that gets into dead human flesh should be starved for six months and then fattened for six months, after which you could eat it if you felt like it.⁸ We find the same thing in the canons of Archbishop Theodore of Canterbury from the late seventh century.⁹ It may be possible to trace by what succession the regulation found its way into Icelandic law, but it is not a tale that I can tell.¹⁰ It may be of some interest to note in passing that among the edited versions of Theodore's canons only two specifically stipulate a twelvemonth period before consumption of the contaminated animal becomes

⁸ *Grágás* Ia, 34; *Laws* I, 48.

⁹ *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen*, ed. P.W. Finsterwalder (Weimar, 1929), pp. 241 (D § 23), 266 (G § 138), 279 (C § 116), 326 (U § 8). The article is also in the *Collectio Canonum Hibernensis* under the rubric 'Theodorus ait', 'Theodore says'. T. Charles-Edwards, in *Archbishop Theodore. Commemorative studies on his Life and Influence*, ed. M. Lapidge, Cambridge Studies in Anglo-Saxon England 11 (Cambridge, 1995), p. 172.

¹⁰ The canon appears to be unparalleled in the major collections of Burchard and Ivo of Chartres and it does not figure in the *Capitula episcoporum*. The article was adopted in Bishop Árni's Christian Law of 1275; *NgL* V, 51.

acceptable, agreeing that ‘it is not permitted until they have been made thin, and after the course of a year’.¹¹

Vilhjálmur Finsen published excellent transcripts of the oldest texts of the Christian Laws Section in the first two volumes of his *Grágás* edition, A in 1852 and B in 1873.¹² All the remainder came in his third volume in 1883. In his preface there he says that he had rejected the possibility of selecting one text of the Christian Laws and printing it with variants from the rest because to his mind each of the versions deserved to be regarded as a monument of legal and linguistic history in its own right.¹³ In the past hundred and twenty years legal and church historians have paid some attention to these later texts but they have been largely ignored by philologists. What comes next in my talk is a modest effort to bring some philological comfort to the historian, for my trial trenches in this field of study were partly prompted by reading a recent discussion of the Christian Laws Section by Professor Hjalti Hugason. He comes to the rather melancholy conclusion, and in this he echoes some other Icelandic scholars, that we cannot be sure of the scope of the first Icelandic church legislation or what stage it had reached by about 1150 — which is, say, some twenty-five years after the texts declare the laws were first promulgated.¹⁴ It seemed to me that a philological enquiry might either confirm this cautious opinion or come to some more cheerful and positive result. A sunny-tempered student of texts — my idea of a philologist — might uncover layers in the copies we have that allow inferences about the age even of their ultimate exemplars.

It seems to me that Finsen was right to produce the texts

¹¹ Recension G: ‘non licet usque dum macerentur et post circulum anni’; U: ‘non licet usque dum macerentur et post anni circulum’ (see n. 9 above).

¹² H. Fix, ‘Grágás Konungsbók (Gks 1157 fol.) und Finsens Edition’, *Arkiv för nordisk filologi* 93 (1978), 82–115, makes numerous amendments to details in Finsen’s transcript of codex A but, as far as I can see, none of them affects the sense.

¹³ *Grágás* III, p.xvii.

¹⁴ Hjalti Hugason, *Frumkristni og upphaf kirkju*, Kristni á Íslandi I (Reykjavík, 2000), p. 284: *Torvelt er hins vegar að segja til um hversu umfangsmikil frumgerð kristinréttarins var eða hvaða stigi hann hafði náð um 1150* (cf. pp. 166–7, 277–9, 374–5). Magnús Már Lárusson, in *KLNM* IX, col. 305. Orri Vésteinsson, *The Christianization of Iceland* (Oxford, 2000), p. 291.

separately. In the first place, we may assume that many copies were in circulation: the regulations affected priests and their congregations but still more householders in general and landowners and church-owners in particular — and all the churches except those at cathedral and monastic establishments were proprietary churches.¹⁵ We know that in about 1200 there were some 320 churches in Iceland (as distinct from chapels and oratories), and it was calculated at the same time that the Skálholt diocese needed 290 priests; *pro rata* the Hólar diocese would need about 150.¹⁶ In the second place, it seems a matter of grave difficulty to trace connections between the extant copies, they appear to represent numerous lines of descent. There are some pointers but the textual evidence often seems doubtful and even contradictory. A thorough work of classification has yet to be attempted.

Linguistic indications can be doubtful and contradictory as well. As you know, two compounds existed for what in Christian dispensation is the seventh day of the week, Saturday, *þváttdagr*, literally ‘wash-day’, and *laugardagr*, literally ‘bath-day’. It is the latter which has prevailed in all the Scandinavian languages. In the oldest Icelandic manuscripts only *þváttdagr* occurs; the oldest Norwegian manuscripts show one example of each word.¹⁷ In the A codex of the Christian Laws the Saturday name occurs some twenty times, and *þváttdagr* and *laugardagr* are used with apparent indifference, the first eleven times, the second nine. In the codex marked B, on the other hand, only *þváttdagr* is found; and in C *þváttdagr* is normal but *laugardagr* occurs twice. In Bishop Árni’s Christian Law of 1275 the word is infrequent but both *þváttdagr* and *laugardagr* occur, the latter more often. In the code called *Jónsbók*, introduced in 1281, twenty years or so after the Icelanders had

¹⁵ Few copies of the ‘old’ Christian law are recorded in church inventories: one, assigned to 1179, in the southern diocese, four from 1318 in the northern; *DI* I 252–5, II 435, 443, 453, 464.

¹⁶ Ólafur Lárusson, *Yfirlit yfir íslenska rjettarsögu* (Reykjavík, 1932), p. 134. Orri Vésteinsson, *The Christianization of Iceland*, p. 93.

¹⁷ *Ordforrádet*, p. 389; *Ordforrádet*, cols. 354, 658.

submitted to the Norwegian crown, only *laugardagr* is found.¹⁸ What we conclude from this is that in this respect B or B's source was more oldfashioned than A or A's source. We may of course see in this the early history of an encroaching Norwegianism but it may also reveal some local preference to which we can hardly hope to come close.

If we take another word, conjunction *unz* (< *und es*; cf. Gothic *und*), 'until', we may well arrive at a different conclusion. The word is extremely rare in Norwegian texts and more or less obsolescent in thirteenth-century Icelandic.¹⁹ Now, the first scribe of codex A, who wrote all the Christian Laws Section, has *unz* as his regular form in some eight occurrences but once he uses a hybrid construction, *til þess unz*, 'to that until'. In every instance where the first scribe of A has *unz*, however, the scribe of B writes the conjunctival phrase *til þess er*. In this case A's usage evidently represents an older stage than B's. The difference might well be put down to a generation gap.

There are of course external factors of which the philologist must be aware, just as the historian is. The sort of thing to be borne in mind is a letter from Pope Innocent III sent in 1206 in response to a query from Nidaros. In it he flatly forbids the use of saliva as a substitute for water in baptism.²⁰ In obviously pre-1206 Norwegian laws use of spittle, which had its place in primesigning, was prescribed in a case of emergency, but in later law, for which 1206

¹⁸ *NgL* V, 385–6, 750; H. Fix, *Wortschatz der Jónsbók*, Texte und Untersuchungen zur Germanistik und Skandinavistik 8 (Frankfurt, 1984), pp. 204–5.

¹⁹ *Ordförrådet*, p. 339, has over sixty instances; *Ordförrådet*, col. 671, shows only four instances, all in Hand II of the Norwegian Homily Book, two from an Easter sermon, one from a sermon on the Baptist, and one from the passage titled *Visio Pauli apostoli*. G. Indrebø, *Gamal norsk homiliebook* (Oslo, 1931), pp. 56–7, noted particular signs of antiquity in the latter pair of texts, and on p. 40, following Hægstad, assigned the manuscript existence of the *Visio* to 1150 or earlier. Conj. *unz* never disappeared entirely in Icelandic, of course, but became extremely rare. It is not attested, for instance, in the great literary monuments of the sixteenth century, Oddur Gottskálksson's translation of the New Testament and Guðbrandur Þorláksson's translation of the whole Bible, and I have noted only two or three examples in the latter's substantial *Vísnaþók* of 1612. The files of *Orðabók Háskólans* (provided friendly-like by Aðalsteinn Eyþórsson) support a conclusion that its modern use chiefly depends on the resuscitation afforded it by purists of the eighteenth and nineteenth centuries.

²⁰ *NgL* IV, 106–7; *DN* VI, nr. 10; *Patrologia Latina*, CCXV, cols. 812–3.

would provide a valid *terminus*, we find the papal rule respected with the bald declaration, ‘Hráki gerir enga skírn’, ‘Spit works no baptism’.²¹ Norwegian clerics seem to have had an abiding interest in this fluid matter, for there is a 1241 letter from Pope Gregory IX, again in answer to a question from Nidaros, firmly telling the archbishop that beer is not efficacious in the baptismal rite.²² It was apparently a serious question and dependent on a particular case, however hard it may be for us to believe that in a country like Norway beer was ever more readily available than water. In any case, this prohibition seems never to have been adopted as a law-statement.

We must however be wary, for the inclusion of a particular novelty of this kind may give a *terminus* for the copy we are dealing with, but it does not necessarily affect the dating of the main text it contains. I shall return to the external factors that must be taken into account in considering the early Christian Laws of Iceland. We shall then see that, for once, arguments *e silentio* may carry more weight than such isolated pieces of evidence for a *terminus a quo* as the one just discussed.

The language of the copies of the Christian Laws Section is variously modernized but relics of early usage remain in some of them. Grammarians generally acknowledge the archaic nature of the enclitic negative and the verbal particle. Although these forms lived longer in verse — they had obvious metrical advantages — they had apparently disappeared in standard Norwegian by the end of the twelfth century and at the same time were clearly in marked decline in Icelandic. The manuscripts we are considering show sporadic survival of the enclitic negative *a(t)*, enough sometimes to suggest the twelfth-century origin of the passage in which they occur. Probably the longest lived example is in the formula ‘one does not take money where it does not exist’, which occurs as follows:

²¹ *NgL* I, 12, 132, 339, 363; cf. *NgL* II, 293, 310, 327, 341. G.J.V. Ericsson, *Den kanoniska rätten och Äldre Västgötalagens kyrkobalk*, Rättshistoriskt Bibliothek 12 (Lund, 1967), p. 51. Å. Sandholm, *Primsigningsriten under nordisk medeltid*, Acta Academiae Aboensis, ser. A, Humaniora, 29, nr 3 (Åbo, 1965), pp. 54–5.

²² *DN* I, nr 26.

- A tekrat þar fé er eigi er til (*Grágás* Ia, p. 9)
- B tekra þar fé sem ekki er til (*Grágás* II, p. 10)
- C tekz þar eigi fé sem eigi er til (*Grágás* III, p. 9)
- D tekrat þar fé er ekki er til (*Grágás* III, p. 61)
- E tekr þar eigi fé er eigi er (*Grágás* III, p. 103)
- F of tekrat þar fé sem eigi er til (*Grágás* III, p. 158)
- G tekr engi þar fé er eigi er til (*Grágás* III, p. 199)
- H of tekr at þar er eigi [er] fé til (*Grágás* III, p. 237)
- J takat þar fé er eigi er til (*Grágás* III, p. 279)

Here six of the texts retain the enclitic negative and two of these show the verbal particle *of* as well. But the survival rate in this case is probably because the sentence is one of those laboured truisms which lawyers seem to enjoy. The phrase lived on as an adage.²³

The origin of the verbal particle, usually *of*, is not fully clear but it is thought in some way or other to be a remnant of the Common Germanic prefixes which disappeared in North Germanic in the so-called Syncope Period. The rather delicate rules which have been elaborated in analysing its use need not detain us here,²⁴ and I merely remark that in prose the particle often seems to imply recognition of some degree of difficulty, and hence of doubt, in the successful accomplishment of the action denoted by the verb. Its use may be illustrated by a small example where the A, B and F codexes have the particle with a rare verb, *fǫrla*, doubtless original, while other later texts with any comparable clause omit the particle and make the antiquated verb intelligible to contemporaries, ‘if he can manage’ in E,

²³ Bjarni Vilhjálmsson and Óskar Halldórsson, *Íslenzkir málshættir* (Reykjavík, 1966), p.324; cf. Jóan Chr. Poulsen, *Føroysk orðafelli og orðtøk* (Tórshavn, 1957), p. 121.

²⁴ The standard studies are H. Kuhn, *Das Füllwort of-um im Altwestnordischen* (Göttingen, 1929), and I. Dal, *Ursprung und Verwendung der altnordischen ‘Expletivpartikel’ of, um*, Avhandlingar utg. av Det Norske Videnskaps-Akademi i Oslo, Hist.-filos. Klasse, 1929, nr 5 (Oslo, 1930). There are useful refinements, though based only on examples in verse, in S.D. Katsnelson, ‘Drevneislandskie suktsessivnye chastitsy of i um’, *Voprosy grammatiki: Sbornik statei k 75-letiyu akademika I.I. Meshchaninova* (Moscow and Leningrad, 1960), pp. 331–41, a paper whose contents have been explained to me with brotherly kindness by Paul Foote, Fellow emeritus of The Queen’s College, Oxford.

‘if he is able to do so’ in G:

- A ef hann of fǫrlar (*Grágás* Ia, p. 14)
- B ef hann of fǫrlar (*Grágás* II, p. 15)
- F ef svá of fǫrlar (*Grágás* III, p. 157)
- E ef hann orkar (*Grágás* III, p. 108)
- G ef hann má svá (*Grágás* III, p. 202)

Not many examples of the particle survive in the Christian Law copies but it happens that they are most frequent in the texts marked C and F, written 200 years and more after the laws were first codified.

From these rarities I turn to the incidence of the same small word *of* but now as preposition: the root of *yfir*, the comparative which took over some of the functions of older *of*, cf. English ‘over’, Greek ‘hyper’, Latin ‘super’. Its original sense was doubtless spatial, ‘over a distance’, but it was early extended to temporal and generalized functions, ‘over time’, ‘mull over a problem’. Alongside it existed preposition *um(b)*, Old English *ymb(e)*, Old Saxon *umbi*, cognate with Latin *ambi-*, also spatial in its primary sense, ‘around, about’, but extended in the same way as *of* to temporal and generalized collocations. The two words *of* and *umb* differed however in application: while *of* was strictly prepositional, *um(b)* was the form used in postpositional and adverbial constructions as well as a compounding prefix: *hann mælti of þat*, ‘he talked about that’; *þat er hann mælti um*, ‘that which he talked about’; *ummæli*, ‘utterance’.

Preposition *of* was obsolescent in twelfth-century Norwegian — in Danish and Swedish it seems to have been discarded earlier still — and preposition *umb* which replaces it in the earliest Norwegian texts almost always appears as *um(m)*, with loss of final *b*.²⁵ The

²⁵ *Ordforrådet*, cols. 665–7. There are of course instances of prep. *of* but their rarity is demonstrated by the occurrence of only fourteen examples in the main text of the Gulathing Law in DonVar 137 4to, printed *NgL* I, 3–110; M. Hægstad, *Vestnorske Maalføre fyre 1350*, 2 vols. (Oslo, 1907) I, 93. All save one of the instances of *umb* in *Ordforrådet* are in the fragmentary NRA 1 B, probably of *nordvestlandsk* Norwegian origin (i.e., from the northern districts of western Norway) and written in the first half of the thirteenth century (printed in *NgL* II, 495–500). Cf. *NgL* IV, 764; *Den eldre Gulatingslova*, ed. B. Eithun, M. Rindal,

development in Icelandic was just the reverse: in the earliest texts *of* is the usual prepositional form, while *um(b)* is rare as a preposition though regular in its absolute use.²⁶

In fair circumstances preposition *of* can thus be taken as a marker of Icelandic as opposed to Norwegian provenance. It can also be taken as a sign of the ultimate age of an Icelandic text — for what happened in Norway in the twelfth century happened in Iceland a couple of generations later as preposition *of* was steadily ousted by *um*, an economy in the language that was doubtless fostered by Norwegian example. The first decades of the thirteenth century already show a decided decline in its use. When I was a boy and still capable of counting and calculating percentages, I analysed a sufficient sample of texts and came to the unavoidable conclusion that incidence of preposition *of* approaching one hundred percent matched the measure in texts which can, on various grounds, be safely assigned to the twelfth century, from Ari's *Íslendingabók* composed in the 1120s to the miracle book of St Þorlákr submitted to the Alþingi in 1199.²⁷ It is forty-nine years since I published that paper and I am astonished to find that, though I would willingly refine or correct this or that statement in it, the validity of this conclusion remains unshaken. It could indeed be bolstered by subsequent observation.

I apologize for this self-congratulatory effusion but it was hard to avoid as an introduction to some consideration of the usage found in this particular in the manuscripts of the Christian Laws Section. The two oldest copies, A and B, from the third quarter of the thirteenth century, have preposition *um* almost exclusively, but three of the much later manuscript versions show a larger proportion of *of* to *um*: D

T. Ulset (Oslo, 1994), pp. 20–1. The extant text corresponds to most of chs. 82–6 in the standard edition of the Gulathing laws. *Umb* occurs four times as prep., twice in absolute use, presumably reflecting the forms of an archaic exemplar, at least for this section; cf. T. Knudsen, 'Gulatingsloven', *KLNM* V, cols. 559–65 (at 561–2). Perhaps the forms lived longer in this Norwegian speech-region. Perhaps the exemplar was not so old but written by an Icelander.

²⁶ *Ordförrådet*, pp. 337–8.

²⁷ 'Notes on the prepositions *of* and *um(b)* in Old Icelandic and Old Norwegian Prose', *Studia Islandica*, 14 (Reykjavík, 1955), 41–83.

about 30 percent, H about 50 percent, and C over 90 percent. It is clearly the last which is of prime significance, and the large percentage is not at odds with the incidence, which I mentioned earlier, of the verbal particle in this copy. It is conceivable, though I would judge it less than likely, that a scribe might introduce preposition *of* as a conscious archaism, but the notion cannot be countenanced in the case of codex C, for in the chapter rubrics there, which can lay no claim to early origin, the scribe freely writes preposition *um*, not *of*. As we shall see, the exemplar of C was most likely written after 1237 but that exemplar's exemplar, or even that exemplar's exemplar's exemplar, was a close copy of a twelfth-century work.

It may be too that the fifty percent figure for codex H is revealing when taken in conjunction with other factors — I come to them directly — which point to a date of origin for that version certainly before 1217 and almost certainly before 1179.

Alongside the external factors, as I have called them, there is one perhaps better termed internal. The B codex qualifies three passages in the Christian Laws as *nýmæli*, 'new law', and thus not in the Section's very first draft (see *Grágás* II, pp. 11/1, 11/10, 34/12). The articles in question are in codex A — the absence of the *nýmæli* designation there is of no significance. It is then naturally of interest to discover whether these also exist in the later copies. We cannot put absolute dates on these *novellæ* but they may be of value in establishing a relative dating in the case of some texts.

External factors that affect the matter of the Christian Laws Section are otherwise these: in 1179 three obligatory feast-days were added to the existing list, those of Ambrose, Agnes and Cecily;²⁸ the cult of Bishop Þorlákr Þórhallsson, who died in 1193, was established by law in 1199 when national observance of his day, 23 December, was decreed; in the next year, 1200, the same honour was paid to Jón

²⁸ Firmly dated in *Guðmundar saga biskups*, ch. 14; *Guðmundar sögur biskups*, ed. Stefán Karlsson, Editiones Arnamagnæanæ, ser. B, 6 (Copenhagen, 1983), p. 40. In *Þorláks saga byskups*, ed. Ásdís Egilsdóttir, Íslensk fornrit 16 (Reykjavík, 2002), pp. 74, 181, the introduction of the new feast-days is simply referred to as 'in his (Þorlák's) days'.

Qgmundarson, first bishop of Hólar who died in 1121 — his *dies natalis* is 23 April; in 1217 some new rules to do with feast-day observance were introduced; in 1237 celebration of the feast of St Þorlák's translation on 20 July was ordained.

When we look to see which of these are recorded in the texts of the Christian Laws Section we find that codex A has the feast of Bishop Þorlák but not that of Bishop Jón. The 1217 novelties are not built into the text: they occur in a supplementary chapter after the colophon on the laws' origin. The editor of the recension from which A was copied obviously worked after 1217 but we might conclude (not without some diffidence) that his immediate core text originated in the twelvemonth between June 1199 and June 1200. Codex B, on the other hand, lists the feast-days of both the sainted bishops, incorporates the 1217 novelties in the text of the Section, and includes the translation feast of Þorlák. The recension as such cannot be from before about 1240. But since the texts of B and A are for the most part virtually identical, the *terminus* of the latter applies equally to the former.

The configuration differs markedly in the copies marked E and H. They have the feast-days of Ambrose, Agnes and Cecily but lack those of the Icelandic bishops. The copy or copies from which these texts were ultimately derived would then appear to belong to the period between 1179 and 1199. This could well explain why text H, though written nearly four hundred years after the Christian Laws Section was first introduced, has the 50 percent incidence of preposition *of* which I noted earlier.

The difference is more marked still in the text denoted G. It does not include the feasts of Ambrose, Agnes and Cecily, so here we seem to have a core text from before 1179. That conclusion is not vitiated by the fact that Þorlák's day, 23 December, is included in the list of obligatory feasts or by other details which show some effort was made to bring the text up to date in adventitious particulars.²⁹

²⁹ The text is isolated, for example, in adding the *Ave* to the *Pater noster* and Creed as the essential Christian lore required to be known by everyone, and in replacing the old reckoning of age with reference to the Winter Nights in October by a calculation with Christmas night as

Now, the texts A and G, the first apparently not later than 1200 in origin, the second apparently not later than 1179, share an article of positive church law which all but one of the other texts reject. The exception is the fragment marked J which agrees with A and G in saying this:

Því at eins skal faðir barns veita skírn barni ef eigi eru aðrir menn til. En ef faðir skírir sjálfr barn sitt sjúkt ok skal hann skilja sæng við konu sína. Ef hann skilr eigi sæng við hana ok varðar honum fjörbaugsgarð. Svá skal fara um kvánfang hans sem byskup lofar.

The father of a child is to baptize it only if no other men are at hand. But if a father baptizes his sick child himself, then he is to give up sharing one bed with his wife. If he does not give up sharing her bed, the penalty is lesser outlawry. His subsequent marriage is at the bishop's dispensation.³⁰

Codex B and the others, in varying but similar terms, say: 'If a father baptizes his sick child, then he is not on that account to give up sharing one bed with his wife.'³¹

It is self-evident that the rule in A, G and J, which puts the gossip relationship established by this baptismal act above that of the marital bond, is the older provision — it is found, for example, in a capitulary of Herard of Tours in the ninth century and doubtless elsewhere.³² The amendment which reverses the rule may have been introduced in a twelfth-century sub-archetype of the Christian Laws Section, whence it descended to the other copies we know, but there

the starting point. The first was a thirteenth-century innovation, the second introduced c. 1300 following Norwegian custom. Cf. e.g. *Jóns saga ins Helga*, ed. P. Foote, Íslenzk Fornrit 15 (Reykjavík, 2003), p. 208, n. 4; *Jónsbók: Kong Magnus Hakonssons lovbog for Island*, ed. Ólafur Halldórsson (Copenhagen, 1904), p. 296.

³⁰ *Grágás* Ia, 6, III, pp. 196, 276; with some minor verbal variation. In *Vorlesungen*, II, 405–15, Maurer gives an admirable account of Norwegian and Icelandic legislation to do with baptism.

³¹ *Grágás* II, 5; variant readings in III, 58, 100, 150, 234, 297.

³² *Capitula Episcoporum*, ed. P. Brommer, R. Pokorny and M. Stratmann, 3 vols. (Hannover, 1984–1995) II, 136.

may have been independent substitution in them. We might be prepared to think that the amendment was due to knowledge of Gratian, whose dictum, ‘Non separetur ab uxore qui causa necessitatis filium suum baptizavit’, ‘Let him not be separated from his wife who baptized his son out of necessity’, was based on the authority of a letter of Pope John VIII despatched in 869.³³ That would date the Icelandic amendment to not earlier than c. 1140–50, but the question and the humane solution may well have been in the air before that. The congruence of A, G and the fragmentary J in this older reading seems to bring us as close to the first inditing of the Icelandic laws as we can get. In fact it may be claimed that the G text was derived from an older version than the ancestor of A, because it does not include the first of the three articles marked as novel laws (see *Grágás* III, p. 199). G differs from A in language and style but not at all in legal substance; the two together appear to transmit a code probably in existence by at least the middle of the twelfth century.³⁴

The conclusion can be reinforced by reference to codex C, a copy which is brought up to date in various particulars (it includes Þorlák’s translation feast, for example), but which, as I argued earlier, cannot be far removed from a twelfth-century original. C agrees with G in not having the first of the novel laws in A (*Grágás* III, p. 9). It is the only one of the texts which does not follow the provision that a father may baptize his child in an emergency with any statement about separation or non-separation of man and wife (*Grágás* III, p. 5). That may be an inadvertent omission, but it is conceivable that an early editor was faced by both rules and avoided the issue. The text of C has also been augmented by a number of articles, some shared with other texts, some not found elsewhere at all. But in sum these additions amount to fewer than 600 words — at least nine-tenths of the text are close to what we have in A and G. If we take what A, G

³³ Gratian’s *Decretum*, Secunda pars, Causa XXX, Qu. 1, c. 7. *Corpus iuris canonici*, ed. E. Friedberg, 2 vols. (Leipzig, 1879–81) I, cols. 1098–9.

³⁴ Jón Jóhannesson, *Íslendinga saga*, I (Reykjavík, 1956), p. 193, noted the antique status of the matter in this codex, AM 158 B, 4to, which ‘virðisk standa einna næst frumritinu að efni’, ‘seems to be closest to the original in substance’.

and C have in common, we have a consolidated body of rules, detailed in exposition, for Christian observance in Icelandic conditions. These texts seem to me to give us a reliably adequate notion of the stage reached by Icelandic church law in the mid-twelfth century and, indeed, of the scope of the legislation first introduced by the bishops Ketill and Þorlákr round about 1125. On this therefore I would disagree with Hjalti Hugason and other doubters, but no one could disagree with his observation that legislation is one thing, its practical application another. There are stray references in narrative sources to offences punishable under these Christian laws and to behaviour that pays unspoken deference to them, but we lack the case-law records which might allow fuller illustration of their operation. That they remained in force in the northern diocese for over 300 years may suggest their basic efficacy, though quite possibly allied to a comfortable inertia, both clerical and lay.

One or two intriguing articles in these Icelandic laws are unparalleled in other Scandinavian texts or appear to be in advance of them — the comparative material is of course principally that of the Norwegian law-provinces. Since they occur in all the copies, they may be safely taken to represent what was originally enacted in the 1120s. I am glad to have an opportunity to introduce brief consideration of two such articles, though I do not expect my casual commentary to solve the various problems that arise from them — advice will be welcome.

Norwegian laws have comparatively elaborate articles on the birth of malformed infants, monstrous births as defined by canon law. The older Borgarthing Law is most extensive:

Fœða skal barn hvert er borit verðr í þenna heim, kristna ok til kirkju bera nema þat eina er með órkumlum er alit. Þau skulu mykil á þeim manni er eigi má móðir mat gefa: hælur horfa í tástað en tær í hælstað, haka meðal herða, nakki á brjósti frammi, kálfar á beinum framan, augu aftan í nakka, hefir sels veifar ok hunds höfuð ... Nú er þat barn annat er verðr belgborit ... þat skal taka ok til kirkju bera, láta prímsigna, leggja fyrir kirkjudyr, gæti hinn nánasti niðr til þess er ǫnd er ór. Þat skal grafa í kirkjugarði.

Every child born into this world shall be fed, baptized and brought to church except one born with deformities — they will be serious in a child whose mother finds it impossible to give it food — heels point where toes should, toes where heels should, chin between shoulders, nape on chest, calves in front of the legs, eyes in the back of the head, having seal’s flippers and a dog’s head ... one born with a caul ... it is to be taken and carried to church, have it primesigned, put it down before the church-door, let the nearest kinsman watch over it until it breathes its last; it is to be buried in the churchyard.³⁵

This is partly paralleled in the older Gulathing Law and the Eidsivathing Law; in the former the main descriptive part is attributed to the time of St Olaf — he died his martyr’s death in 1030.³⁶

The Frostathing Law is much simpler:

En þat er kristinn réttir at ala skal barn hvert er borit verðr, kristna ok til kirkju fœra ef manns hœfuð er á.

And it is Christian law that every child born shall be given nourishment, baptized and brought to church, if it has a human head.”³⁷

The corresponding passage in the Icelandic Christian Laws Section is brief and positive: ‘Barn hvert skal fœra til skírnar er alit er svá sem fyrst má með hverigri skepnu sem er’, ‘Every child born, whatever its shape, is to be brought to baptism as soon as possible’, with only one text, codex F, adding ‘ef manns hefir rødd’, ‘if it has a human voice’.³⁸ This Icelandic rule can hardly have been as

³⁵ *NgL I*, 339. On Norse sources see Maurer, *Vorlesungen*, II, 430–4. Monstrous births are discussed in detail in *Dictionnaire de droit canonique*, 7 vols. (Paris, 1935–65) II, cols. 135–6. Cf. Å. Sandholm, *Primsigningsriten* (see n. 22 above), pp. 56–7.

³⁶ *NgL I*, 12, 375.

³⁷ *NgL I*, 130.

³⁸ *Grágás Ia*, 3; *Grágás III*, 147. The F reading is perhaps a casual loan from the Eidsivathing Law (II, 6) of south-east Norway, which contains the formula ‘hefir ei manns hœfuð ok ei manns raust’, ‘if it does not have a human head and not a human voice’ (*NgL I*, 395).

unequivocal as it sounds. Baptism obviously follows as soon as possible, but the bishops are discreetly silent on what next, though it is not difficult for us to envisage the outcome. Icelanders may have been sensitive on the matter of infant exposure for in the same decade as the Christian laws were framed Ari wrote of the acceptance of the faith some one hundred and twenty-five years earlier and told what he had learned from his good source, Teitr Ísleifsson. The Christian party had compromised and agreed that the old customs of infant exposure and eating horse-meat should be allowed, though these remnants of heathendom were abolished a few years later.³⁹

‘All men shall reverence the church: thither all shall go, both the quick and the dead, coming into the world and leaving it’ are the words of the late thirteenth-century Swedish Uppland Law,⁴⁰ and they allow me to move rapidly from the font to the graveyard. The following passage is unique in early Scandinavian laws and no particular foreign authority for it has so far been adduced.

Ef kirkja er upp tekin mánaði fyrir vetr eða lestisk hon svá at hon er ónýt ok skulu lík ok bein færð á braut þaðan fyrir vetrnætr enar næstu. Til þeirrar kirkju skal færa lík ok bein sem byskup lofar grøft at. Þar er maðr vill bein færa ok skal landeigandi kveðja til búa níu ok húskarlar þeirra svá sem til skips dráttar at færa bein. Þeir skulu hafa með sér pála ok rekur. Hann skal sjálfr fá húðir til at bera bein í ok eyki at færa. Þá búa skal hann kveðja er næstir eru stað þeim er bein skal upp grafa ok hafa kvatt sjau nóttum fyrr en til þarf at koma eða meira méli. Þeir skulu koma til í miðjan morgin. Búandi skal fara ok húskarlar þeir er heilindi hafa til allir nema smalamaðr. Þeir skulu hefja grøft upp í kirkjugarði útanverðum ok leita svá beina sem þeir myndi fjár ef ván væri í garðinum. Prestr er skyldr at fara til at vígja vatn ok syngva yfir beinum, sá er bændr er til. Til þeirrar kirkju skal bein færa sem byskup lofar grøft at. Þar er rétt hvárts vill at gera eina grøf at beinum eða fleiri.

³⁹ *Íslendingabók*, ed. Jakob Benediktsson, Íslenzk Fornrit 1; (Reykjavík, 1968), p. 17.

⁴⁰ ‘Allir skulu kirkiu dyrka: Thit skulu allir badhi quikkir ok dödhir komandi ok farändi i wäruld ok af’. *Upplandslagen enligt Cod. Holm. B 199 och 1607 års utgåva*, ed. S. Henning (Uppsala, 1967), p. 15.

If a church is moved a month before winter or is so damaged that it cannot be used, then bodies and bones are to be moved from it before the next Winter Nights. The bodies and bones are to be taken to a church at which the bishop permits burial. If a man wishes to move bones, the landowner is to call nine neighbours and their serving men to move the bones as if he were calling them for ship hauling. They are to have spades and shovels with them; he himself is to provide hides in which to carry the bones and draught animals to move them. He is to call the neighbours who live nearest the place where the bones are to be dug up and is to have called them seven nights or more before they need to come. They are to be there at mid-morning. A householder is to go with his serving men who are in good health, all except the shepherd. They are to begin digging in the outer part of the churchyard and search for bones as they would for money if that was what they expected to find there. The priest who is asked to do so is required to go there to consecrate water and to sing over the bones. The bones are to be taken to a church at which the bishop permits burials; there it is lawful to do whichever one wishes, make one grave for the bones or several graves.⁴¹

The general rule was that a site once sanctified should remain so in perpetuity, but in the *Panormia* Ivo cites the three justifications for removal of a church given by St Augustine.⁴² It is the second of these that would cover the Icelandic case, *difficultas locorum* ‘difficulty of location’, for the *Grágás* chapter in which this transfer of remains from a churchyard is prescribed begins by talking of the natural disasters which may make a church-site unusable: rockfall and snowslip, fire, flood, fierce weather, local desolation. In spite of the lack of early comparative material, the instructions given in the laws must be counted orthodox. We can at least see that they agree with

⁴¹ *Grágás* I, 12–3; *Laws* I, 30–1. The older Christian Law of the Borgarthing imposes penalties on anyone digging up corpses when burying a new one; if bones are turned up, they should be reburied alongside the (new) coffin; *NgL* I, 345 (cf. pp. 360, 368, and IV, 167–8). The Christian Law of the Eidsivathing penalizes anyone who removes bones from a churchyard; *NgL* I, 391, 405.

⁴² *Patrologia Latina*, CLXI, col. 1090.

post-Tridentine theory and, presumably, practice. Among the canons of the Trent Council are some which permit a bishop to amalgamate parishes and to allow an old church to be abandoned and even given over to profane (but not sordid) use.⁴³ The rules make no special mention of the churchyard, as opposed to church buildings and their belongings, all of which should be transferred to the new centre, but later canonists appear to agree that it was also covered by these provisions. They prescribe that human remains in church ground should be ‘completely and reverently’ collected and transferred to the new site.⁴⁴

The reality of the Icelandic rule about transferring human remains from one graveyard to another appears to be attested by some narrative sources, whose authors seem to take it for granted that when a church-site was moved, the old churchyard was dug over and skeletal bits moved with it. We may note that in these cases the move was to suit the convenience of the householder on whose land the church stood — presumably with the bishop’s permission — this is not a factor that finds mention in the laws. The best-known but not the only examples are in *Egils saga Skallagrímssonar*, chapter 86, and *Eyrbyggja saga*, chapter 65, vivid accounts even if they do leave us floundering among unanswered questions.⁴⁵ The passages contain references to named witnesses from which it may be inferred that the transfer reported in *Egils saga* took place about 1150, that in *Eyrbyggja* some time close to 1200.⁴⁶

⁴³ Trent: Session 21, canons 5 and 7. *Decrees of the Ecumenical Councils*, ed. N.J. Tanner, 2 vols. (London and Washington, D.C., 1990) II, 730–1.

⁴⁴ C.M. Power, *The Blessing of Cemeteries*, Catholic University of America Canon Law Studies 185 (Washington, D.C., 1943), pp. 127–33.

⁴⁵ See the discussion by Jón Steffensen, ‘Ákvæði kristinna laga þáttar um beinafærslu’, *Árbók hins íslenska fornleifafélags* 1966 (Reykjavík, 1967), pp. 71–7. The other saga passages are in *Grettis saga*, ch. 84; *Bjarnar saga Hítðlakappa*, ch. 9 (cf. the interpolation in *Óláfs saga helga*, *Den store saga om Olav den hellige*, ed. O.A. Johnsen and Jón Helgason, 2 vols. (Oslo, 1941) II, 766–7); *Heiðarvíga saga*, ch. 9; *Flóamanna saga*, ch. 35. The last of these is most probably derivative from literary sources; cf. R.M. Perkins, *An edition of Flóamanna saga with a study of its sources and analogues* (unpublished D.Phil. thesis, Oxford, 1971), pp. 336–8.

⁴⁶ Jón Steffensen, ‘Ákvæði kristinna laga þáttar um beinafærslu’, p. 73.

If these texts lend some credence to the effectiveness of the early laws, there is a fair amount of archaeological evidence to the contrary in a number of abandoned church-sites where the graves remained untouched.⁴⁷ The status of these is problematic. A churchyard is not normally dedicated in the same way as the church itself but hallowed by a separate act of blessing, and it could be that after the church building was abandoned the associated burial ground was still regarded as a cemetery though not necessarily used as such.⁴⁸ Perhaps more likely, in the Icelandic circumstances and as time wore on, it was found impractical to fulfill the obligations imposed by the law. Graveyards went on filling and there may well have been an overriding reluctance to disturb the dead. These were not considerations that disturbed the law-makers of the 1120s. For them churchyard burial was evidently of the utmost importance, in keeping with what was by now the more or less universal custom of western Christendom and given effect in church law: ‘*Cadavera fidelium sepelienda sunt in cemeterio*’, ‘The corpses of the faithful are to be buried in a cemetery’.⁴⁹ A couple of eleventh-century rune-masters in Sweden assure readers of their inscriptions that the dead lie in consecrated ground, though at some distance from the stones that commemorate them (Bogesund, Uppland; Bjärby bro, Öland).⁵⁰ And the closer to the church itself the better, though the Icelandic laws differ from those of Norway in making no distinction of social rank in allotment of grave-places — that may of course have happened in practice.

Current ideas about the resurrection of the dead at the Last Day will doubtless also have played a part. Most early scholastic theologians favoured the notion of resurrection as a reassemblage of parts, so insistence on care of mortal dust and especially of bones was

⁴⁷ *Ibid.* pp. 75–6.

⁴⁸ This solution, though in different circumstances, was prescribed by Theodulf of Orléons, in ch. ix of his First Capitulary, *Capitula Episcoporum*, ed. P. Brommer *et al.*, I, 109. On benediction of cemeteries cf. B. Nilsson, *De sepulturis*, Bibliotheca Theologiae Practicae 44 (Stockholm, 1989), pp. 74–5.

⁴⁹ Canon 1205 in *Codex iuris canonici Pii X* (Rome, 1918), p. 344.

⁵⁰ S.B.F. Jansson, *Runes in Sweden* (Värnamo, 1987), p. 118.

intensified.⁵¹ The thinking that lay behind the Icelandic legislation on the transfer of bones was like the thinking which led to the charnel houses of continental and English churches; their early history is obscure but they are recorded from about the middle of the twelfth century.⁵² In this the good intentions of the Icelanders show them to be well abreast of their times.

I revert to my contention that we have acceptably assured knowledge of the legal substance and legal language of the Christian Laws as they were first framed in the 1120s. But we now look back over a thousand years of Icelandic Christianity and may well wonder whether a quarter or even half a century makes much difference. To my mind however the first half of the twelfth century is of peculiar and significant interest. There is still much that is obscure about the early development of Icelandic law in general, and the Christian Laws, and the tithe law that preceded them, shed some light, for their legal expression, their procedures and penalties, are the same as those we meet in secular law. Even the priests' court which a bishop might constitute was borrowed in form from ordinary law, admittedly with some modification and the concession to the clerical state that oaths were not required in the process.⁵³ All this may be taken as welcome testimony to the strength and stability of the native legal tradition. The writing of laws in this same period is obviously a literary contribution of note and the bishops' insistence on a written instrument documenting the agreement made between bishop and church-owner must be counted remarkable at such an early date and in a society still apparently in no more than a proto-literate condition. This instrument, the *máldagi*, records a church's dedication, endowment and tithe-share, along with an inventory of its property of every kind. As it is, and as you know, Icelandic *máldagar* are preserved in large numbers from successive periods. They have unique value for numerous lines

⁵¹ C.W. Bynum, *The Resurrection of the Body in Western Christianity 200–1336* (New York, 1995), pp. 117–55.

⁵² *Ibid.*, pp. 203–4.

⁵³ *Grágás* Ia, 21; *Laws* I, 37–8.

of historical enquiry: material — they record livestock and gridirons as well as bells and vestments; intellectual and literary — they list a good many books over and above the standard liturgical texts; and spiritual — without them our knowledge of the saints venerated in medieval Iceland would be scanty indeed.

Compared with the treatment of suicide in other early northern legislation, that in the Christian Laws of Iceland seems notably charitable:

Þat er lík it þriðja er eigi skal at kirkju grafa ef maðr viðr á sér verk þau er honum verða at bana, svá at hann vildi unnit hafa, nema hann fái iðrun síðan ok gangi til skriptar við prest ok skal þá grafa hann at kirkju. Þótt eigi nái prest fundi ok segi hann ólærðum manni til at hann iðrask, ok svá þótt hann megi eigi mæla ok geri hann þær jartegnir at menn finni at hann iðrisk í huginum, þótt hann komi eigi tungunni til, ok skal þó grafa hann at kirkju.

The third corpse not to be buried at church is of someone who wilfully inflicts on himself the injuries that cause his death, unless he afterwards repents and confesses to a priest, and then he is to be buried at church. Even if he is not able to reach a priest, but tells a layman that he repents, and even if he is not able to speak but makes such signs that men perceive that he repents at heart even though he cannot tell it with his tongue, then he is nevertheless to be buried at church.⁵⁴

The man in his dotage who wilfully consents to give a memorial lecture seems to me to put himself in the position of just such a suicide: he ought to be buried but does he deserve to lie in hallowed ground? It is true that the lecturer has rather longer for repentance and can certainly tell it with his tongue — my remorse has been keenly felt for some time now, not least when it was necessary for me to dip cold toes into the ocean of canon law. All that remains for me to do, having I fear delivered more of a Pickwickian than a Chadwickian lecture, is to beg absolution from the High Priest or Chief Druid of the Department of Anglo-Saxon, Norse and Celtic — and from you all.

⁵⁴ *Grágás* Ia, 12 (II, 13, III, 11); *Laws* I, 30.

The Department of Anglo-Saxon, Norse, and Celtic offers programmes of study, at both undergraduate and graduate level, on the pre-Norman culture of the British Isles in its various aspects: historical, literary, linguistic, palaeographical, archaeological. The Department also serves as a focal point for scholars visiting Cambridge from various parts of the world, who are attracted to Cambridge by the University Library (one of the largest in the world), the collections of Anglo-Saxon and Celtic manuscripts in the University and various college libraries, the collection of Anglo-Saxon, Celtic and Scandinavian coins in the Fitzwilliam Museum, or the rich collection of Anglo-Saxon artefacts in the Museum of Archaeology and Anthropology. It is possible for the Department to host a small number of Visiting Scholars each year.

Information on any aspect of the Department's activities can be obtained by writing to: The Head, Department of Anglo-Saxon, Norse, and Celtic, Faculty of English, 9 West Road, Cambridge, CB3 9DP.

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