HÓLAR AND BELGSDALSBÓK*

The Icelandic Text preserved in the greatest number of manuscripts is Jónsbók, the lawbook that the Alþingi accepted in 1281 and that continued to be valid for centuries. Some 260 manuscripts preserve the text and provide rich and still underexplored opportunities for research into the legal culture of Iceland. Basic issues of origin, provenance, and use are in many cases still unexplored, even for early and interesting manuscripts.¹

This article addresses a minor detail in the rich history of Jónsbók: What happened to the four “laugbækur,” presumably copies of Jónsbók, which were listed in the inventory of the Hólar bishopric in 1525.² Stefán Karlsson has suggested, without any specific evidence, that they have been lost, for example, when Hannes Þorleifsson died in a shipwreck in 1682 with his collection of manuscripts.³ I will argue that two copies of Jónsbók with provenance from the see in Hólar may survive as GKS 3269 a 4to and AM 347 fol. (Belgsdalsbók). While the former is a straight-forward copy of Jónsbók, the rich and unusual contents of the latter illustrate the legal culture at what in the Middle Ages was Christendom’s northernmost episcopal see, if it indeed comes from there.

¹ Foundational for the text and the manuscripts are the following editions: Jónsbók: Kong Magnus Hakonssons lovboog for Island, ed. Ólafur Halldórsson (Copenhagen: Møller, 1904); Jónsbók: Lögþöku Íslendinga hver sambykkt var á alþingi árid 1281 og endurnýjud um miðja 14. öld en først prentuð árid 1587, ed. Már Jónsson (Reykjavik: Hákólautúgafán, 2004); and Jónsbók: The Laws of Later Iceland; The Icelandic Text according to MS AM 351 fol. Skálholtsbók eldri with an English Translation, Introduction and Notes, ed. and transl. Jana Schulman, Bibliotheca Germanica, Series nova 4 (Saarbrücken: AQtVerlag, 2010).

² DI 9.299, n. 266.

The Inventory of 1525

When Jón Arason in 1525 became bishop of Hólar, he caused a detailed inventory to be made of the property of the church. The preserved text of this máldagi was written by his son Sigurður and is thus known as Sigurðarregistur. A large number of books were found in the timber house that Bishop Auðun had built in the fourteenth century. Several law books are among them, including the most important volumes of the general law of the Church, the Corpus iuris canonici: Gratian’s Decretum, the Liber extra, and the Liber sextus.4 Two entries concern domestic law books:

..iij. laugbækur. og er ein vond.
      kristin riettur enn gamle og hinn nýe á einne bok.

The volume with both Christian laws must have disappeared, unless it is identical to AM 50 8vo, since no other book with only the two Christian laws exists.5

The four “law books” that are not further identified should be copies of Jónsbók, the law book par excellence. One of them is poor or damaged (“vond”). I will suggest that at least two of them have survived. A third should have been the copy that served as the model for the 1578 Hólar printing of Jónsbók, which probably does not survive.6 Its text was close to, but not identical to that found in Skárðsbók, AM 350 fol. Manuscripts that were used as models for early-modern printed editions were often discarded once the book had been printed.

GKS 3269 a 4to

The medieval parts of GKS 3269 a 4to contain a copy of Jónsbók followed by two réttarbætur, the Christian Law of Bishop Árni Þórðarson, and

5 Some manuscripts contain both Christian laws together with Jónsbók (e.g. AM 351 fol.), but it is hard to imagine that such a book would be catalogued as in Sigurðarregistur, without mentioning the much longer text of Jónsbók.
6 Jónsbók: Lögbók Íslendinga, ed. Ólafur Lárusson, Monumenta typographica islandica 3 (Copenhagen: Levin & Munksgaard, 1934).
Cardinal William of Sabina’s ruling about holidays. In the seventeenth century, two quires with more texts were added before the main part.

This manuscript was copied in the second half of the fourteenth century, but at some point close to 1500, a list of Hólar’s bishops was entered onto an unwritten space on f. 87r. The list was updated in more recent hands to include each subsequent bishop including Bishop Gísli Magnússon, who sat 1755–79. Some of the bishops may themselves have written their name in the book. The presence of such a list suggests that the book belonged to the episcopal see in Hólar, although this is far from conclusive evidence. The Royal Library of Denmark bought the book at an auction in Copenhagen in 1786. It contains three ownership notes from the early modern period, but the owners have not been more exactly identified.

Belgsdalsbók, AM 347 fol.

I would like to suggest that the law book that the Sigurðarregistur characterized as “vond,” damaged, might be Belgsdalsbók. This volume is indeed damaged; it has lost its first quire and what is now the outer pages are severely dirtied and abraded, suggesting that it spent a long time without a binding at some point before Árni Magnússon acquired it. If this was its state in 1525, it would rightly have been described as damaged.

Three reasons suggest that Belgsdalsbók might have belonged to the bishop of Hólar. First, its earliest known owner was the daughter-in-law of Bishop Jón Arason of Hólar. Second, its date and circumstances of production point to Bishop Jón Eiríksson skalli of Hólar (bishop 1357–91) as a possible commissioner. Third, Belgsdalsbók contains a collection of unusual and unique texts that would obviously have been of interest to an ecclesiastical owner.

I have not pursued this idea, which was inspired by lists of parsons found in the records of Swedish parishes, in which clearly most new parsons have themselves written their names in the old book. See, e.g., Grangärde kyrkoarkiv C:1, f. 10r–v, Uppsala landsarkiv, accessible through https://sok.riksarkivet.se/digitala-forskarsalen.


https://handrit.is/en/manuscript/imaging/is/AM02-0347.
Owners and Provenance

According to his own note accompanying the volume, Árni Magnússon acquired Belgsdalsbók from a rector in Dalasýsla, Jón Loftsson, in 1685 or 1686. We are able to trace the book back in Jón’s family, many of whom wrote their name in the book. His father Loftur Árnason entered his ownership note in 1644 (f. 67v). Loftur’s wife Þórunn Bjarnadóttir’s pat- ternal grandmother Steinunn Jónsdóttir also wrote her name in the book, in fact twice (fos. 13r. and 65v). Steinunn’s son Bjarni Björnsson may also have written his name in the book. At least it is tempting to identify him with the person who apparently used Belgsdalsbók to practice writing: “Bjarne er goður pilltur” (“Bjarne is a good boy;” f. 84v). I cannot identify the Sven Sumerlidason who wrote his name on f. 23v.

Steinunn brings us tantalizingly close to Hólar cathedral. She was married three times and her first husband, Björn Jónsson, was the son of the last Catholic bishop of Hólar, Jón Arason. Björn and Jón were famously executed at Skálholt in 1550 when they refused to convert to Protestantism. Their biographies also illustrate that the injunction of celibacy on clergy was far from uniformly in the medieval Catholic Church.

Might Steinunn have received the book from her father-in-law’s church? Considering that the book was in such a bad shape already in 1525, we might imagine that its owner might not have valued it very highly. We must, however, remember that Steinunn Jónsdóttir herself came from a prominent and book-collecting family of priests and lögmenn. Her father was Jón riki Magnússon at Svalbarð in Eyjafjörður. Árni Magnússon was told that another copy of Jónsbók that he acquired, AM 343 fol. (“Svalbarðsbók”), had belonged to Jón riki. I am not sure if this makes it more or less likely that Belgsdalsbók came from Steinunn’s own family rather than from her father-in-law.

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10 See also Már Jónsson, Arnas Magnœus philologus (1663–1730), The Viking Collection 20 (Odense: University Press of Southern Denmark, 2012), 66.
11 I have explored these family relationships with the help of islendingabok.is.
The Making of Belgsdalsbók

The provenance of Belgsdalsbók brings us at least close to Hólar. The making of the manuscript provides a few other clues that may be taken to point in the same direction.13

In studying the codicological makeup of AM 347 fol., we must distinguish between the original part of the codex, quires 1–11, and the last two quires, which were added later, but almost certainly in the Middle Ages, perhaps already before 1370. At least one hand (labelled “hand III” by Stefán Karlsson and “H Hel 1” by Stefan Drechsler) that has worked, c. 1370, on those last, added quires was a scribe in the scriptorium of the monastery of Helgafell, so they were certainly written there.14 That does not necessarily make the entire book a Helgafell production, since the early quires were produced earlier. In fact, Stefan Drechsler points out that the size of Belgsdalsbók is smaller than “the relatively large manuscripts from the Helgafell group” and that its text does not “demonstrate any particular closeness to core codices from Helgafell, such as Skarðsbók,” which were produced there.15 The balance of evidence suggests that, except for the last pages, Belgsdalsbók was written somewhere other than Helgafell.

The main hand of the original quires (Stefán’s “hand I” and Drechsler’s “H Hel 8”) of Belgsdalsbók worked close to the middle of the fourteenth century.16 The same scribe also served as the main hand in the perhaps most famous manuscript of the Norwegian Landslov, the Codex Hardenbergianus, GKS 1154 fol. It seems unclear whether the scribe was Icelandic or Norwegian. Most scholars seem to agree that at least Hardenbergianus was produced in Norway, probably in Bergen. The lan-

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13 The making of Belgsdalsbók has been studied in detail in Stefan Drechsler, Illuminated Manuscript Production in Medieval Iceland: Literary and Artistic Activities of the Monastery at Helgafell in the Fourteenth Century. Manuscripta Publications in Manuscript Research (Turnhout: Brepols, 2021), esp. pp. 131–42.
15 Drechsler, Illuminated Manuscript Production, 131, 132, and 142.
16 Despite including the abbreviation “Hel[gafell]” in his label for this hand, Drechsler expressly states that he does not place this hand at Helgafell, see Drechsler, Illuminated Manuscript Production, 142. Drechsler, 132, dates this scribe’s work on Belgsdalsbók to 1350–70.
guage of both manuscripts displays both Norwegian and Icelandic traits. The same scribe worked on both Norwegian and Icelandic law texts, the scribe must have been someone with connections to both places.

The images in Belgsdalsbók point in the same direction. It shares a common iconographic program with Hardenbergianus, which also shows up in AM 343 fol., Svalbarðsbók. In GKS 1154 fol., the program is executed with splendid workmanship, including gold leaf in large initials, while the images are smaller, less well drawn, and certainly without gold in AM 343 fol. and even more poorly elaborated in AM 347 fol. Again, the program ties these Icelandic and Norwegian law books together, although it certainly appears that different artists were active. Drechsler was unable to find any other work by the artist who illuminated Belgsdalsbók.

Belgsdalsbók contains features that point towards influences from Europe. It is the earliest Icelandic lawbook to contain a European-style table of contents (fos. 4v–8r). Furthermore, the chapters are numbered with Arabic numerals, one of the earliest instances of such numbers in Iceland. The impression conveyed is that someone involved in the production of Belgsdalsbók must have had connections to the learned cultures of Europe.

The most remarkable codicological features of Belgsdalsbók can easily be explained if we speculate about a Hólar origin. The Norwegian Jón skalli Eiríksson became bishop of Hólar in 1357, at about the time that the


19 Drechsler, Illuminated Manuscript Production, 134–42.

manuscript was produced. He had travelled, twice, to the papal curia, both to Avignon and to Rome.\textsuperscript{21} If we assume, for the sake of argument, that the patron of Belgsdalsbók was someone with connections to both Norway and wider European culture, Bishop Jón \textit{skalli} would fit that description rather well. The bishop obviously moved from Norway to Iceland in 1357. Stefán Karlsson and Stefan Drechsler suggest that the main scribe of Belgsdalsbók also moved from Norway to Iceland at some point in the middle of the fourteenth century.\textsuperscript{22}

The Unusual Contents of AM 347 fol.

The provenance and the production features of Belgsdalsbók may be taken to point in the general direction of an ecclesiastical institution such as Hólar. The unusual and unique contents of the book also suggest an ecclesiastical patron.\textsuperscript{23} I suggest this with some hesitation, since we should not make too strong a distinction between ecclesiastical and secular patrons in medieval Iceland. After all, the Icelandic church was unusually closely tied to secular society, so laypeople also had reasons to want to have books with laws relating to the Church.

The table of contents is not the only unusual feature of Belgsdalsbók. It is one of nine preserved medieval manuscripts to contain a version of the older Christian Law of Iceland, the so-called \textit{Kristinna laga þáttir}, associated with \textit{Grágás}. The presence of this text obviously hints at an ecclesiastical connection.\textsuperscript{24}

\textsuperscript{21} \textit{Diplomatarium Norvegicum. Tillægg till syttende samling (XVII B)}, ed. Oluf Kolsrud, (Christiania: Malling, 1913), 275–76.

\textsuperscript{22} Drechsler, \textit{Illuminated Manuscript Production}, 132. Inspired by Stefán’s work, Drechsler (132) suggests (“it is very likely”) that the main scribe (H Hel 8) worked on the first eleven quires of Belgsdalsbók in the 1350s, then on Hardenbergianus later in the 1350s, and finally he wrote parts of quires 12 and 13 in Belgsdalsbók in the late 1360s. Drechsler’s daringly exact chronology does not contradict my suggestion that Bishop Jón might have been Belgsdalsbók’s commissioner, especially if we remember that he was (non-resident) bishop of Gardar from 1343.

\textsuperscript{23} Drechsler, \textit{Illuminated Manuscript Production}, 133, Table 28, provides a general survey of the contents.

\textsuperscript{24} \textit{Grágás: Stykker, som findes i det Arnamagnæanske Haandskrift Nr. 351 fol. Skálholtshók og en Række andre Haandskrifter}, ed. Vilhjálmur Finsen (Copenhagen: Kommissionen for det Arnamagnæanske Legat & Gyldendal, 1883), 93–96.
Even more interestingly, Belgsdalsbók contains the most substantial excerpts from *Grágás* beyond the *Kristinna laga þáttir* that have been preserved outside of the two main manuscripts of that text (Konungsbók and Staðarhólsbók). The excerpts comprise 30 chapters which follow directly without any new rubric about the older Christian Law of Iceland, suggesting that the scribe of Belgsdalsbók thought that those chapters concerned Christian law. As we shall see, at least some of their contents are indeed closely related to ecclesiastical concerns. The texts of the excerpts are generally closer to the text of Staðarhólsbók than to Konungsbók, although Belgsdalsbók also contains a few unique phrases that appear nowhere else.

One may divide the thirty excerpts from *Grágás* into five thematic sections. The first one (chapters 38–44, using the numbering of the manuscript which is reproduced in the edition) deals with marriage law, particularly the rules about separation and against marrying a relative through blood or marriage. Four of the six chapters in this section mention the role of the bishop, suggesting perhaps that the selection was made for a bishop. A second, short section (45–47) contains the basic rules of inheritance according to *Grágás*. The third section (48–55) returns to marriage law, now dealing with various topics, such as abduction, rape, and who has the right to decide whom a woman should marry. The fourth section (56–61) is excerpted from Vígslóði and is primarily concerned with who has the right to prosecute a killing. The final section (62–66) deals with prices and right measures. A single chapter (67) on fasting follows.

It is difficult to discern any obvious single rationale behind this selection, which however is scarcely random. Some of the chapters, but far from all, supplement and elaborate the rules in Jónsbók and Bishop Árni’s *Kristinréttir*, while others introduce less stringent, or outdated, rules than those found in those more recent law books. For example, chapter 49 in Belgsdalsbók first outlines when in the church year marriages may not be celebrated. The rules are practically identical to those that appear in chapter (19) of Árni’s *Kristinréttir*, so one may well wonder why anyone considered it necessary to enter them twice in Belgsdalsbók? Chapter 49 continues with rules for what makes a marriage valid, stipulating that at least six men must be at the wedding and that the bride and groom openly

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enter their bed. In other words, this refers to the ancient ceremony where
the wedding guests bring the couple to their bed and witness that they get
in together. It stands in stark contrast to what Bishop Árni said on the sub-
ject, which is entirely based on general canon law. Árni did not mention the
need to witness the couple in bed, but instead emphasized the consent of
both parties, which Gratian of Bologna in about 1140 made a basic canoni-
cal condition for a valid marriage.26

I can perhaps discern two overarching themes in Belgsdalsbók’s selec-
tions from Grágás. On one hand, many of the chapters concern details of
procedural law, for example who should be the principal plaintiff with the
right to prosecute murder and unlawful intercourse. On the other hand,
most chapters concern themes that are also touched on by canon law. This
is obvious for marriage law, which is treated at length in Grágás but only
briefly in Jónsbók, reflecting how marriage law became primarily a church
matter in most of Europe during the twelfth and thirteenth centuries. The
law of inheritance, in addition to being connected to marriage law, was of
inherent interest to the church, which was always looking for donations
through people’s last wills.

The two last quires, folios 85–98, were added to the manuscript after
it was first produced, and they contain further church law, notably in the
shape of numerous statutes issued by provincial synods under the arch-
bishops of Niðarós between 1280 and 1342. Two additional items in these
quires are direct reflections of European jurisprudence, conveying the
teaching traditions of Europe, especially in Bologna.

Item no. 12 in Belgsdalsbók lists sixteen reasons for which a sinner
might get excommunicated automatically (excommunicatio latae sententiae).
It is a text that also appears in many other Icelandic manuscripts. For in-
stance (as point 7), anyone who on purpose sets fire to a church is automat-
ically excommunicated. As Kristoffer Vadum has established, item no. 12 is
a straight-forward translation of a passage in a Bologna text book authored
in about 1230 by the Dominican friar Raymond of Penyaforte.27

27 Kristoffer Vadum, “Bruk av kanonistisk litteratur i Nidarosprovinsen ca. 1250–1340”
Item no. 13, “Um málaskot,” lists cases when a judge’s decision cannot be appealed, a text that appears in well over twenty Icelandic manuscripts. It has, however, never been noticed that the text clearly was inspired by the procedural law that jurists of canon law developed in Bologna, notably as codified by Tancred of Bologna around 1215. In his widely used procedural handbook *Ordo iudiciarius*, Tancred reproduced a verse of three rhyming hexameters that were designed to help law students remember the kinds of cases that cannot be appealed:

Appellare vetant scelus, excellentia, pacta
contemptus, minima res, interdictio facta,
arbitrium, res que perit, et si longius acta.\(^{28}\)

The first seven items in Tancred’s verse correspond perfectly to the first seven items in the list in Belgsdalsbók:

Hann er ránsmaðr ok uill æigi aprtr giallda eðr i hordomi ok uill æigi
víð skiliaz (*scelus*)
pauinn dœmir eda konungr (*excellentia*)
ef þei sueria at hafa þat er domandi dømir (*pacta*)
ef domarinn stefnir manni til sin ok kemr han æigi (*contemptus*)
litit maal (*minima res*)
ef yfír domari segir ... at þat maal kemr æigi optar fyrir hann (*inter-
dictio facta*)
ef þeir kiosa menn til doms millum sin (*arbitrium*)\(^{29}\)

I do not know the source of the last two items in the list in Belgsdalsbók, which do not correspond to the last two items in Tancred’s verse, although the very last item may seem a duplication of the fourth item (*pacta*).

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\(^{28}\) *Pillii, Tancredi, Gratiae Libri de iudiciorum ordine*, ed. Friedrich Bergmann (Göttingen: Vandenhoeck et Ruprecht, 1842), 302–03. I have not found the verses anywhere before Tancred.

\(^{29}\) AM 347 fol., f. 95va–b (excerpted and reorganized for clarity). Cf. the edition in DI 2.221–22, n.96, based on AM 350 fol. (Skarðsbók), which confuses the text, replacing items 4 and 7, and is also otherwise more distant from Tancred’s text.
Conclusion

To summarize my survey of AM 347 fol., Belgsdalsbók: its contents suggest a patron deeply interested in ecclesiastical matters. Its history and provenance points north, in the general direction of Hólar. Its production suggests a scribe and/or a patron with connections to Norway and a European orientation. I am the first to admit that this, unfortunately, does not add up to anything like strict proof that Belgsdalsbók was commissioned by Bishop Jón skalli Eiríksson and was in use at Europe’s northernmost cathedral in Hólar. It is still an attractive hypothesis. I do hope to have proved, however, that closer study of Belgsdalsbók pays interesting dividends for our knowledge of the legal culture of medieval Iceland.

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AM 50 8vo

GKS 1154 fol.
GKS 1157 fol. (Konungsbók)
GKS 3269 a 4to

Uppsala landsarkiv
Grangårde kyrkoarkiv C:1.

PRIMARY SOURCES


SECONDARY SOURCES


Hólar and Belgsdalsbók

ÁGRIP

Efnisorð: Belgsdalsbók, Hólabiskupsdæmi, Jónsbók, Kristínréttur Árna Þorlákssonar, Kristinna laga þáttur, Grágás, kanónískur réttur á Íslandi, lagamennin, handritamennin

Greinin færir rök fyrir því að Belgsdalsbók (AM 347 fol.: Jónsbók og aðrir textar) kunni að vera síu lögbók sem lýst er sem „vondri“ í eignaskrá Hólabiskupsdæmis frá árinu 1525. Prjú meginrökk liggja að baki þessum niðurstöðum. Í fyrsta lagi er Steinunn Jónsdóttir, tengdáttir Jóns Arasonar, súðasta kaþólska biskupsins á Hólum, fyrsti þekkti eigandi bókarinnar. Í öðru lagi benda tímasetning og kringumstæður gerðar bókarinnar til þess að Jón skalli Eiríksson biskup hafi pantad hana. Í þriðja lagi inniheldur Belgsdalsbók óvenjulega texta sem höfðuðu sérstaklega til eiganda sem starfandi innan kirkjunnar. Í greinninni er að auki lögð fram síu tilgátu að annað handrit Jónsbókar, GKS 3269 a 4to, hafi mögulega einnig verið í eigu Hólabiskupsdæmis.

SUMMARY

Hólar and Belgsdalsbók

Keywords: Belgsdalsbók, Hólar bishopric, Jónsbók, Kristinréttur Árna Þorlákssonar, Kristinna laga þáttur, Grágás, canon law in Iceland, legal culture, manuscript culture

The article argues that Belgsdalsbók (AM 347 fol.: Jónsbók and other texts) may have been the law book that was listed as “damaged” in the 1525 inventory of the property of Hólar bishopric. Three reasons suggest this conclusion. First, its earliest known owner was Steinunn Jónsdóttir, the daughter-in-law of the last Catholic bishop of Hólar. Second, its date and circumstances of production suggest that Bishop Jón Eiríksson skalli might have been its commissioner. Third,
Belgsdalsbók contains unusual texts of interest to an ecclesiastical owner. In addition, the article suggests that another copy of Jónsbók, GKS 3269 a 4to, may also have belonged to Hólar bishopric.

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