



8-2019

A Kingdom of Co-Inherence: Christian Theology and the Laws of King Magnus the Lawmender of Norway, 1261-1281

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A KINGDOM OF CO-INHERENCE: CHRISTIAN THEOLOGY AND THE LAWS OF KING
MAGNUS THE LAWMENDER OF NORWAY, 1261-1281

by

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A thesis submitted to the Graduate College
in partial fulfillment of the requirements
for the degree of Master of Arts
History
Western Michigan University
July 2019

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ACKNOWLEDGEMENTS

No thesis would be complete without the litany of names of which Hilaire Belloc speaks in *The Path to Rome*. The first kernel of this thesis came while I was reading Christopher Dawson's *The Making of Europe*, when he briefly discussed King Cnut's laws. This first aroused my interest in studying medieval laws and led to my undergraduate thesis and, eventually, to this *essai*, attempt, at a new way of understanding law in Norway in the thirteenth century and before. This attempt would not have been possible without the help of my many teachers at Franciscan University and Thomas More College, who sharpened my writing abilities, or my wife, Amanda Knackstedt, who both encouraged me and listened to me elucidate my ideas throughout the process. The members of my thesis committee were also instrumental: Dr. Hadden drilled me and everyone else in historiography my first semester at Western Michigan and made me a much better historian; Dr. Schulman managed to teach me enough Old Norse in one semester to translate and analyze many of the sources used herein and, through her mastery of much of the corpus of Old Norse, made dutiful corrections to my slips in translating and orthography; Dr. Berkhofer served as my advisor and oversaw many of the ideas contained below in their nascent form during his many excellent seminars. Getting here was a long, but surprisingly quick, path, and they all deserve thanks for helping me find my way.

D.R.F. Knackstedt

A KINGDOM OF CO-INHERENCE: CHRISTIAN THEOLOGY AND THE LAWS OF KING
MAGNUS THE LAWMENDER OF NORWAY, 1261-1281

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Western Michigan University, 2019

This thesis explains a new interpretation of the law books written during the reign of King Magnus the Lawmender of Norway (1239-1280, crowned 1261, r.1263-1280). In the process it also teases out common themes in Norway's early histories, Iceland's early laws, and biblical exegesis and re-writes much of what is assumed about "church" and "state" in this era, beginning at Magnus' coronation and ending with the fraught year following his death, 1281.

According to the new interpretation explored in these four chapters, the laws of Magnus the Lawmender were not an attempt at royal legitimization of the king's exclusive right to legislate, an element in a protracted contest between the church and the Norwegian crown over jurisdiction over Christian law, or a project undertaken to centralize the state bureaucracy. Rather, the laws are the clearest representation of the king's attempt to build a kingdom of "co-inherence" and charity, to replace injustice, discord between different classes of men, and problematic customs with a law based on universal and Christian principles. The *landslov* represents, first and foremost, an application of the tropological sense to the old laws of Norway and Iceland as part of an effort to enact Magnus' self-understood role as the guardian of the peace and justice of the kingdom and to encourage a harmonious society of various classes of free men founded on the Christian faith and sacramental grace.

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INTRODUCTION

The medieval town of Bergen was built along the shores of the small bay of Vågen. Throughout the middle of the thirteenth century, King Hakon Hakonsson and his son Magnus Hakonsson had greatly expanded and improved the royal residence and castle, Holmen, on the north side of the bay.¹ Within the same timeframe, the Archbishop of Nidaros, whose province extended over the entire dominion of the king, had also built a similarly-styled residence on the south side of the bay, purposefully designed and built in a similar style in order to face the royal residence directly opposite to it.²

According to Sverre Bagge, one of the most prominent historians of this era in Norwegian history, this is a prime example, set into the physical landscape itself, of the rivalry and the conflict between the Norwegian king and the Norwegian church during the period the residences were under construction. Nor is Bagge alone in this general interpretation, which predominates Norwegian historiography of the second half of the thirteenth century. Read any history of this time period in Norway and the author is bound to mention, if not the rivalry between the Holmen and the

1. There are a variety of spellings of Hakon Hakonsson depending on whether Old Norse, Norwegian, or English is used as the basis; here I have used what I consider the most natural Anglicization of the name.

2. Sverre Bagge, *From Viking Stronghold to Christian Kingdom: State Formation in Norway, c. 900-1350* (Copenhagen: Museum Tusulanum Press, 2010), 174. A digital animation of Bergen, including the two residences, can be seen in the videos on the ArkikonAS youtube channel, especially “Bergenhus 1300tall v2” @1:40 or “The Medieval Town Hall of Bergen” @0:51.

Archbishop's residence, then the conflict between the church and the state, between the king and the bishops. This rivalry manifested itself most notably during the legal reforms of King Magnus Hakonsson, "the lawmender," when the church fought stringently to remove royal jurisdiction over ecclesiastical matters in his newly formed national law code, the *landslov*.

Considering the geography of the two residences alone, however, this is not the immediate impression. While the two residences are facing each other, this does not necessitate a rivalry of the sort Bagge seems to have in mind. The archbishop's residence is substantially smaller than the king's, for instance, and betrays no attempt to match it in grandeur even as it copies its style (generally). It is just as possible, if not more likely, that their similarity could manifest concord as much as discord. The royal residence stood on the outskirts of the town of Bergen itself, markedly rising above the rest of the city and clearly manifesting itself as the seat of power to any ship entering or exiting the bay. The archbishop's residence stood on the side of the bay which was devoid of almost any non-ecclesiastical structures, for all appearances indicating that this was the seat of authority over the land's monks and clerics while also perhaps distancing itself from the city proper to avoid an appearance of subverting the Bishop of Bergen's own jurisdiction.

The Holmen itself was just as much an ecclesiastical center as it was the king's residence. Not even 100 feet behind Hakon's Hall, the royal court, stood Christ's Church Cathedral, the seat of the Bishop of Bergen.³ This made the walls of the cathedral closer to the throne than the front entrance of the hall itself.⁴ The Church of the Apostles, a small but very continental-style Gothic church, was built in this era inside the Holmen complex, in part to house the fragment of the Crown of Thorns brought back from France by Archbishop Jon Raude as a gift to Magnus from King Philip III.⁵

3. Hakon's Hall stands to this day within the Bergenhus Fortress site. Christ's Church was leveled in the sixteenth century for defensive purposes, but its location is today marked by a hedge.

4. Measurements based on imagery provided by ArcGIS webmap.

5. Guðrún Ása Grímsdóttir, ed., *Árna Saga Biskups*. In *Biskupa Sögur III*, Íslenzk fornrit (Reykjavík: Hið íslenska

A Dominican monastery and the bishop's residence also sat somewhere close by, though their precise location is unknown.⁶ This betrayed the intimate relationship Magnus and Hakon had with the still fairly new mendicant orders, a trait shared with other contemporary kings in France and England, and, likewise, a closeness with Norway's ecclesiastical leadership and continental influences.⁷ Notably, both church councils for the entire province and royal councils for the entire kingdom (both of which covered the same geographical extent) met in Christ's Church into the reigns of Hakon and Magnus, and it was there too that coronations and burials of the kings took place. Here, even more than the archbishop's residence, the placement of the buildings manifests an overall harmony and cooperation between the monarchy and the church hierarchy.

This sort of harmony is precisely what one of the primary sources of the time, the law books produced by King Magnus during the supposed contest between church and state, discuss. The king and the bishop are not presented therein as in contest, but as two powers with two laws that work in tandem, just as the residences sat on the two sides of Vågen, overseeing the city and the religious houses respectively, and just as the king's court and the bishop's court sat side by side within the Holmen. This is equally true of a source written by a churchman, *Bishop Arni's saga*, where the titular character makes frequent and consistent appeals to the king and the archbishop for assistance against his rivals.⁸

Considering even this basic level of confluence between the organized space of the city of

fornritafélag, 1998), 49. "Þá sendi ok Phillippus Frakkakonungr Magnúsi konungi parti af krúnu várs herra Jesú Kristi. . . . Magnús konungr lét efna til kirkjugerðar í grasgarði sínum í Björgvin."

6. A map of the modern day complex, with descriptions of some of the original buildings, can be found at the museum's website. https://www.forsvarsbygg.no/contentassets/cf9934b140e34fa08cbe32ae54405697/festningsloypa-bergenhus-_engelsk.pdf

7. One clear piece of evidence for Magnus' special attachment to the Franciscans is the story that his son, Eirik, was born "more like a bear than a boy" and, in response, the King had him placed on the altar of the Franciscan church in Bergen during mass, at the end of which they found him transformed into a beautiful, gurgling baby boy. See John Beveridge, "Two Scottish Thirteenth-Century Songs," *Music & Letters* 20, no. 4 (1939): 357.

8. See the relevant section in chapter 4.

Bergen and the ideas expressed in the most common published work of the era, Bagge's (and others') fundamental interpretation of a church and state in conflict during this period seems tenuous. A careful reappraisal of this standard interpretation, through a fresh analysis of legal, narrative, and diplomatic texts from the period 1261-1281, is the object of the subsequent pages. Specifically, since this standard narrative about a contest over jurisdiction most frequently makes reference to the various Christian law books produced by either the king or the bishops during this period, the following chapters will systematically hammer out a way of understanding the new Christian laws that better befits the evidence than the works of earlier scholars.

Modern Assumptions and Norwegian Law

Before this new interpretation is begun, however, it is useful to consider more directly how historians have traditionally interpreted the laws produced by Magnus the Lawmender. While the historiography on this subject is copious (dating back over a century), there appear to be two main threads throughout almost all interpretations and the scholarship: one which views Magnus' laws as "a regal demarcation of the rights of the king and the monarchy," a demarcation that is directly at the expense of the church's claims to jurisdiction over Christian law; and one which views Magnus' laws as the work of a centralizing, thoroughly bureaucratic monarchy flexing its muscles.⁹

A good summary of the first thread of interpreting the legal history in Norway and Iceland 1260-1280 is provided by Jón Viðar Sigurðsson in the *Encyclopedia of Medieval Scandinavia*. Here he says:

There is no actual Christian Law in the National Law. The reason for this exclusion was a major conflict between the monarchy and the Church concerning Christian legislation,

9. For the first thread, see Gudmund Sandvik and Jón Viðar Sigurðsson, "Laws," in *A Companion to Old Norse-Icelandic Literature and Culture*, ed. Rory McTurk (Williston: John Wiley & Sons, 2008), 239; Sverre Bagge, *The Political Thought of the King's Mirror* (Odense: Odense University Press, 1987), 143-54. For the second thread, see below on pp.7-8.

dating from the end of the 1260s. Magnús Hákonarson claimed that the king and the Church should administer the Christian legislation in unison. On the basis of this claim, Christian legislation decisions were publicized in a statute dating from the middle of the 1260s. The revision of the Gulapíng Law and the Eišsifa- and Borgarþíng Law in 1267 and 1268 included the Christian Law. During the revision of the Frostuþíng Law, the king was strongly opposed by the new archbishop, Jón rauði (“the red”), who independently started to make a Trondic Christian Law in accordance with purely ecclesiastical principles. The conflict between the king and archbishop was difficult, but an agreement was reached in Tønsberg in 1277.¹⁰

The problem is, Sigurðsson’s account is misleading to the unwary reader, which is perhaps why in a later re-writing of this passage he stated the law books did not “contain Church laws.”¹¹ The *landslov*, along with *Jarnsiða* and *Jónsbók*, do contain sections clearly titled “Kristindómsbálkr”: Christian law section. Sigurðsson is clearly aware of this in both passages, but considers this section devoid of legal content or church law because of the conflict with the church.¹² Its exclusive role now is royal legitimization.¹³ My criticism here is not to say that the Christian law section in the new law books was not fundamentally different and shaped by the new agreement about Christian legislation between the king and archbishop, but that the section itself exists and, by ignoring it or relegating it to a simple role, its complete significance can be lost.¹⁴ It makes sense that Sigurðsson and others would not dwell on this, since their research focuses on administrative development, but this essay will pose a counter-statement: Christian laws are not excluded from the National Law, but conceived in a fundamentally different way than in earlier laws. Rather than dwelling on ecclesiastical/church law and a minimum standard of religious adherence, the Christian laws now focused exclusively on the

10. Jón Viðar Sigurðsson, “Magnús Hákonarson,” in *Medieval Scandinavia: An Encyclopedia*, ed. Phillip Pulsiano and Kirsten Wolf (New York: Taylor & Francis, 1993), 400.

11. Jón Viðar Sigurðsson, “The Making of a ‘Skattland’: Iceland 1247-1450,” in *Rex Insularum: The King of Norway and his “Skattlands” as a Political System c.1260-c.1450*, ed. Steinar Imsen (Bergen: Fagbokforlaget, 2014), 191.

12. Sunde also takes this position when he says that “the new codes did not contain ‘Christian law’ sections.” See Jørn Øyrehaugen 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,” 141.

13. Sandvik and Sigurðsson, “Laws,” 228, 237.

14. As if to highlight the insignificance of the section, Rudolf Meissner even omitted most of it in his edition of the *Bylov*, the only part of the original he cuts out.

importance of Christian belief for the sustenance of the kingdom, the peace, and the monarchy and what it meant to be Christian.

The second part of Sigurðsson's interpretive argument also leaves the subject open to re-analysis. Magnus' claim that the king and church should administer Christian law in unison and Archbishop Jon's strong opposition are only implicit assumptions and neither of these ideas are ever actually explicitly stated by either man. The closest thing to evidence for this interpretation is actually Sverre Bagge's assertion that Magnus' *New Christian Law* for the Gulathing originally stated that both the king and the bishop would prosecute violations of the Christian laws; however, I have been unable to locate what he is referring to in the law text.¹⁵ The *New Christian Law* actually bears remarkable similarity to the Christian laws later placed in the *landslov* and is quite distinct from the earlier laws where the king did have a role in making Church/Christian law, even though Archbishop Jon had not even been elected when it was compiled. Ironically, there is mention of joint prosecution in Archbishop Jon's Christian law book, effectively negating this argument anyway since this arrangement would apparently have been acceptable to both parties.¹⁶ In other words, the conflict is based on assumptions made from documents, but not on any hard evidence. It does not help Sigurðsson's case that he then immediately goes on to anachronistically call Magnus an "absolute monarch" and speaks of King Hakon's "expansive foreign policy."¹⁷

A fuller account is provided by Sigurðsson, along with Gudmund Sandvik, in their article for *A Companion to Old Norse-Icelandic Literature and Culture*, one of the few comprehensive summaries of legal history in this period. Here, again, Jon very ambitiously is said to have halted

15. Bagge, *From Viking Stronghold to Christian Kingdom*, 299, 306.

16. R. Keyser and P. A. Munch, eds., *Nyere Christenret*. In *Norges gamle Love indtil 1387*, 2:339-86 (Christiania: Gröndahl, 1848), 385.

17. Sigurðsson, "Magnús Hákonarson," 400.

Magnus in the midst of his revisions of the older provincial laws by effectively declaring: “Let the king keep his hands off church law!”¹⁸ The trouble is that this is an implicit assumption, the only evidence provided is that 1) Magnus had already revised the Christian laws at the other three assemblies (though their contents varied widely) and 2) the entry from an Icelandic annal that states that “King Magnus and Archbishop Jon went to the Frostathing. Then King Magnus got the approval of the men of the Frostathing to reform the book of the Frostathing concerning all things which pertain to worldly life and the kingdom as seemed to him best.”¹⁹ Whatever disagreement between Jon and Magnus there was is silent, in the background, and we do not even know if there was a disagreement.²⁰ According to the article’s summary, the two supposedly continued their strife at a meeting in 1273 where the archbishop first tried to pass off his own law book and Magnus countered with his court law book (*Hirðskrá*), resulting in an eventual concordat. When Jon headed to France to get the pope’s approval of the concordat, however, Magnus and his counsellors worked behind his back to pass a new national law (the *landslov*) at the Gulathing. Strangely the “adamant” archbishop who was so keen on upsetting the royal legal prerogative now “had to bow to the precedent set and could do nothing” even though the king still had three more assemblies to receive approval from.²¹

There is thus a fundamental contradiction in this standard interpretation: Magnus at once relented

18. Sandvik and Sigurðsson, “Laws,” 235.

19. Gustav Storm, ed., *Islandske Annaler indtil 1578* (Christiania: Grøndahl Søns & Bogtrykkeri, 1888), 138. Magnus konungr ok Jón erchibyskup voru á Frostv þingi. Þá fekk Magnus konungr samþycct allra Frostvþingsmanna at skipa sva Frostv þings bók vm alla lvti þá sem til veralldar héyra ok konungdómsins. sem honom sýndiz bezt bera. The word *veröld* here is difficult to translate, corresponding to the Latin word *saeculum* it can designate the world, time, non-monastic life, and eternity (as in, *saecula saeculorum*). To translate it simply as “secular” would, however, create a very different connotation to modern ears. When I say that their contents varied widely I refer to the fact that the New Christian Laws Magnus composed for the Borgarthing and Gulathing are almost completely different documents, and yet historians often treat them as one of a kind. See R. Keyser and P. A. Munch, eds., *Nyere Gulathingis Christenret*. In *Norges gamle Love indtil 1387*, 2:306-25 (Christiania: Grøndahl, 1848); R. Keyser and P. A. Munch, eds., *Nyere Borgarthingis Christenret*. In *Norges gamle Love indtil 1387*, 2:293-305 (Christiania: Grøndahl, 1848).

20. This assumption, as far as I can tell, is only based on the fact that five years later they negotiated the initial Agreement of Tønsberg, but this is hardly conclusive.

21. Sandvik and Sigurðsson, “Laws,” 236.

and forwent any authority over Christian law at the Frostathing in 1269 and in the *landslov* while simultaneously resisting the bishops' attempt to co-opt royal authority over Christian legislation and the formation of independent ecclesiastical law.²² Likewise the rock-hard archbishop, who at first sought to overturn all legal precedent, suddenly was helpless before precedent and gave in to a law book he found objectionable. Again, the basic historical facts are true, but this interpretation of the conflict over church/Christian law is not based on any actual correspondence and some of the facts are assumed to have happened.

Another representative interpretive thread of the new laws completed in the 1270s is the one provided by Sverre Bagge. Bagge's account has some similarities with Sigurðsson's insofar as it too focuses on the conflict between the king and the church, but he nuances this considerably through his focus on political history.²³ For him the laws composed by Magnus the Lawmender represent the culmination of the idea of the *rex justus* and the monarchy's imitation of the new legal learning and bureaucratic sophistication of the church, as best articulated in the *King's Mirror* and *Hakon Hakonsson's saga*.²⁴ When the monarch's new self-image as a just judge and legislator became too expansive and began to overlap with church rights and church law, the bishops pushed back: "The background to the conflict over the jurisdiction can therefore hardly have been that the Church in the 1270s raised new and revolutionary claims, but rather that the monarchy during the previous decades had tried to expand its jurisdiction at the cost of the Church, a development that was now checked" by the Concordat of Tønsberg.²⁵ This makes more logical sense of the source material, since it portrays Magnus as someone amiable enough to back off when confronted by the archbishop in 1268 and

22. Sandvik and Sigurðsson, "Laws," 236-7.

23. See Bagge, *From Viking Stronghold to Christian Kingdom*, 297-313.

24. See Sverre Bagge, *From Gang Leader to the Lord's Anointed: Kingship in Sverris saga and Hákonar saga Hákonarsonar* (Odense: University Press of South Denmark, 1996); Bagge, *The Political Thought of the King's Mirror*, especially 143-156.

25. Bagge, *From Viking Stronghold to Christian Kingdom*, 299.

work out the issue at the negotiating table over the next nine years. At the same time though, Bagge's tight focus on political ideas drawn from earlier works like the *King's Mirror* places Magnus' laws only within that historical framework, thereby sidelining other potential influences, such as theology, and the contents of the laws themselves. He is so focused on his particular reading of the laws that he missed these alternative undertones. The result is an interpretation concerned almost exclusively with state development and centralization, a theme also present in Sigurðsson's work, where Magnus' laws are described as bringing the state to stand on its "own feet."²⁶

The overall impression is that both of these standard interpretations, which have substantial historiographies they are interacting with, are based more on uncritical reflection of modern Norwegian attitudes about the church, society, and the past than either the medieval laws and other documents themselves or the contemporary understanding of those documents. This impression is further enhanced by the repetition of this story on Norwegian educational websites and, in its most extreme case, by the Concordat Watch organization, which presents the "Concordat of Tønsberg" as the church's attack on modern, secular human rights and even posts a translation by one of their members from the original Latin.²⁷ While the historiographies summarized above are not nearly so anachronistic as this, there are still traces of a tendency to project present-day assumptions onto the laws. This tendency seems to be rooted in the central place Norwegians give to the *landslov* in their constitutional history, making Magnus' laws the Norse equivalent to the establishment of Parliament in English legal history.²⁸ An article about an exhibition of a 500 year-old manuscript of the *landslov*

26. Sandvik and Sigurðsson, "Laws," 243.

27. See Concordat Watch, "Norway." http://www.concordatwatch.eu/showsite.php?org_id=1371; Norgeshistorie, "Sættargjorden i Tønsberg." <https://www.norgeshistorie.no/hoymiddelalder/makt-og-politikk/settargjorden-i-tonsberg-0937.html>; University of Bergen Law Library, "Kristenretten." <http://www.ub.uib.no/avdeling/jur/arkiv/historie.htm>. All accessed May 2019.

28. This is manifest, for instance, in the currently on-going project at the University of Bergen to create a new critical edition of the *landslov*, translate it into English, and complete a number of other projects in connection with the book's 750th anniversary. See <http://www.landslova.no/> and <https://landslova.w.uib.no/>.

even directly called it “Norway’s Magna Carta.”²⁹

The question that must be asked then is: how did contemporaries and, above all, Magnus himself, understand his project of “mending” the laws? What other interpretations can the sources lend themselves to that move beyond another story about the conflict of church and state or state centralization? To reassess the entirety of the interpretations cogently expressed by Jón Viðar Sigurðsson or Sverre Bagge is beyond the practical limitations of this essay. Instead, this thesis looks to achieve two basic ends: first, to establish clearly the historical, intellectual, and theological background into which Magnus introduced his law books, and second, to use this context and the statements made about the laws by Magnus himself and the church to provide a different way of understanding Magnus’ legal enterprise beyond the interests of Nordic scholars. This is, in fact, an answer to Sandvik and Sigurðsson’s call for “students from abroad” to bring in “their outsiders’ view” to a discussion often dominated by “Scandinavian scholars inevitably engrossed by their national sources.”³⁰

These two ends are spread across four chapters. The longer first chapter explores the earliest histories of Norway and the ideas about conversion, law, and faith that informed how medieval Norwegians understood their past and, consequently, how they understood their present. The essential point here is that, through its adoption of Christianity, Norway opened itself up to a theological and historical worldview that saw the world in terms of pagan and Christian, law and grace, and violence and harmony. The second chapter takes up this theme and looks for its application to the old, pre-Magnus law books of Norway and Iceland. There are clear parallels between the coercive process by which faith and Christian laws were propagated in Norway’s histories in the legal history of Iceland and the Christian laws of both countries. These two chapters together form an alternative ‘backdrop’ to

29. Oddvin Aune and Knut-Øyvind Hagen, “Norges Magna Carta’ tilbake til Norge etter 500 år.” Accessed April 2019. https://www.nrk.no/kultur/_norges-magna-carta_-tilbake-til-norge-etter-500-ar-1.14149951.

30. Sandvik and Sigurðsson, “Laws,” 223-24.

Magnus' legal reforms than the ones normally provided. From this backdrop, the third chapter seeks to more precisely articulate the scriptural and liturgical worldview articulated in both the histories of chapter one and the laws of chapter two. The "old" and the "new" testaments/laws in the Bible were the basis for "economies" by which all action, including actual legislating were measured, understood, and framed and, consequently, offer an alternative way of interpreting Magnus' laws. The fourth and final chapter dwells extensively on how this theological mode of understanding reality shaped the laws of Magnus the Lawmender. To begin, it reconsiders the history of the laws themselves: how new ideas of kingship shaped the laws and how the church viewed the king's legislation in ways which do not fit with earlier interpretations. From there it dwells on key points, especially the oft-maligned Christian law sections of Magnus' law books, to flesh out how that worldview, discussed in chapters one and three and articulated concretely in chapter two, informed the new laws.

According to the new interpretation explored in these four chapters, the laws of Magnus the Lawmender are neither an attempt at royal legitimization of the monarchy's exclusive right to legislate, nor an element in a protracted contest between the church and the Norwegian crown for jurisdiction over the Christian faith, nor a project undertaken to centralize the state bureaucracy. Rather, the laws are the clearest representation of the king's attempt to build a Christian kingdom of charity, to replace injustice and strife between the different classes of men and problematic customs with a law based on universal and Christian principles. Thus what he sought to create may be called a "kingdom of co-inherence." Co-inherence is a concept articulated by Charles Williams, a twentieth-century literary critic, publisher, and amateur Anglican theologian who derived it from the writings of Augustine. It manages to encapsulate effectively several key concepts found in Magnus' laws: 1) the idea that society and the church are composed of many different classes, each with their unique functions and

duties, that can metaphysically work in harmony with each other through the sacramental grace and communion in a common body provided by the church; 2) the idea that ultimately the king and the bishop, the world and heaven, the body and the soul, work in tandem and are brought into harmony through charity/faith; 3) the idea that Christ, in whom the divine and human co-inhere, is the ultimate point of reference and the source of the king and the bishops' authority, who themselves are commissioned to create a society in which all people co-inhere; 4) the idea, as expressed most clearly in the four senses of Biblical interpretation, that the two Testaments, the Old Law and the New Law, the sword and divine grace always exist together and are only completed in eternity.³¹ This desire to build a “kingdom of co-inherence” is found both in the political works highlighted by Sverre Bagge and the church-king settlements emphasized by Jón Viðar Sigurðsson, as well as the content and framework of the laws themselves and contemporary records about the king and his character. Even if this interpretation is only part of the picture, it is a part that has been missing until now and one which encompasses and makes sense of the extant sources about and around the period 1261-1281.

31. The idea of co-inherence is spread throughout Charles Williams's books, but special reference should be made to Charles Williams, *The Descent of the Dove: A Short History of the Holy Spirit in the Church* (Oxford: Benediction Classics, 2017).

CHAPTER I

THE LORD BUILDS HIS CITY ON THE SIDES OF THE NORTH

According to patristic and medieval tradition, the incarnation of the *logos* directly caused the furtherance of human good through the imputation of divine grace and by allowing human participation in the divine order.³² It allowed both a personal re-creation (“God became man so that man might become God”) and communal re-creation (“not only have we become Christians, but Christ”) through participation in the *corpus mysticum* of Christ.³³ The historical event of Christ’s incarnation was repeated again and again spiritually in each person and in each community of persons.³⁴ This understanding was the basis for the assertion that the incarnation was the “turning point” in history and, subsequently, for the Christian re-writing of history begun in the Book of Acts and continuing to unfold itself throughout subsequent Christian historical writings.

Amid this wider historiographic tradition arose the historical writers of the Norse world in the eleventh and twelfth centuries who would go on to shape how the thirteenth-century Kingdom

32. See, for example, Thomas Aquinas, *Summa Theologiae*, III q.1 a.2; John Milbank, *Beyond Secular Order: The Representation of Being and the Representation of the People* (Chichester, UK: John Wiley & Sons, 2013), 218.

33. *Summa Theologiae* III q.1 a.2, quoting St Augustine: “factus est Deus homo, ut homo fieret Deus” and Athanasius, *On the Incarnation*, trans. Archibald Robertson (Digireads Publishing, 2018), 14; Augustine, *Tractus in Joannis Evangelium*, XXI.8.: “non solum nos christianos factos esse, sed Christum.”

34. For instance, Hélinand of Froidmont spoke about the “mystical nativity” where “Christ is born as often as anyone is becoming a Christian.” To this Henri de Lubac adds that “one is never finished with becoming Christian.” See Henri de Lubac, *Medieval Exegesis: The Four Senses of Scripture*, trans. Mark Sebanc, Ressourcement (Grand Rapids: Eerdmans, 2000), 2:139.

of Norway understood its past and present.³⁵ Blending ancient Greek and Roman concepts about peoples and climate with local concerns about legal customs and administration, writers in the Norse world sought to imitate Eusebius, Jerome, Bede, and others while they told the story of the conversion of the north. They extended Latin historical writing and its accompanying theology to a new corner of the world while they told the story of the extension of the incarnation of the *logos* to that same region and its subsequent re-creation as part of the *corpus* of Christendom. In the words of the twelfth-century *Passio Olavi*, Norway's historians sought to record the process by which "the great and praiseworthy Lord, who builds his city on the sides of the north, scattered the rigour of the north with the mild wind of the south and at last softened the stubborn and fierce hearts of savage peoples with the warmth of faith."³⁶

To understand this tradition of historical writing and how it came to shape Norwegian Christian historical consciousness by the later thirteenth century, a slight detour will first cover the origins of this historical worldview through the earlier, influential or indicative examples of Adam of Bremen and Alfred the Great. From there I will turn directly to Norway and how it continued and adapted this tradition, looking initially at the "synoptic" histories from the twelfth century, and then turning to the hagiographic tradition about St Olaf. Synthesizing all of these histories together, a substantial continuity in the focus on Christianization and law throughout Norway's historical tradition becomes evident, a tradition which ran parallel with and was embodied in the themes of the life and cult of St Olaf. This tradition professed that Norway's incorporation in the *corpus mysticum* of the church was accomplished through the efforts of several saintly kings and bishops who, together,

35. The Norse world traditionally includes Scandinavia, Iceland, Shetland, Orkney, the Faroes, and the various peripheral settlements. For the purposes of this chapter I exclusively refer to Adam of Bremen, who discusses all of these places in some form or another, and writers in Norway and Iceland, with occasional reference to Denmark.

36. Devra Kunin, trans., *A History of Norway and the Passion and Miracles of the Blessed Óláfr: A Twelfth-Century Synoptic History of the Kings of Norway* (London: Viking Society for Northern Research, 2001), 26.

coerced the hard-hearted Norsemen to accept the warmth of the gospel. Through the spiritual and material swords, law, physical “blows,” and the building of churches, they laid the foundations for Norway to join the City of God.

Christianization According to Adam of Bremen

Before analyzing the early histories written about the history of Norway, it is useful to consider their forebears.³⁷ While Christian historiography arguably dates back to St Luke and the Acts of the Apostles and has many exemplars throughout the patristic and early medieval periods, the *Gesta Hammaburgensis Ecclesiae Pontificum* written by Adam of Bremen between 1073-1076 provides an example much closer to the Christian Norse world both geographically and chronologically. Moreover, Adam’s works were a direct influence on a number of histories that came afterwards, such that Birgit and Peter Sawyer remarked about twelfth-century Scandinavian writers that “none of the historians who wrote then, nor their successors, could escape his influence.”³⁸ Adam of Bremen became the single most influential historian when the writing of history began in Norway a century after his work was completed. Therefore, an analysis of how Adam depicts Christianization in his history of the Church of Hamburg is one of the best starting points for understanding medieval Scandinavian historical writing.

Hamburg was in its origins a missionary church, charged with the conversion of the Slavs and Saxons surrounding it and the Scandinavians further north, beyond the reaches of the revived Roman Empire. To use Adam’s own words: “There only is its preaching hushed where the world

37. The phrase “early histories” is here meant to distinguish the continental tradition of writing histories from the Icelandic practice of writing sagas.

38. Birgit Sawyer and Peter Sawyer, “Adam and the Eve of Scandinavian History,” in *The Perception of the Past in Twelfth Century Europe*, ed. Paul Magdalino (London: Hambledon Press, 1992), 48.

has its end.”³⁹ For this reason, Adam immediately begins his first book by describing the environs of the church and the conditions of the peoples it was sent to convert. This introduction to the world before the arrival of the church, Adam tells the reader, is so that we “may know from what darkness of error they were freed through the grace and mercy of God.”⁴⁰ The inhabitants of Germany and the surrounding lands he described as “fierce by nature and given to the worship of demons,” finding no disgrace in dishonoring or trespassing “the laws of God and man” and “rude.”⁴¹ The Danes were specifically described as frightening off preachers through their “barbarous cruelty” and their king, Horic, expelled all the priests because “he raged with an inborn ferocity against the Christians.”⁴² At the same time, the pagans were not wholly devoid of morality; rather, following St Paul’s analysis in the Book of Romans, they strove after happiness and to have honorable laws “according to the natural law,” but were distinctly unable to fulfill their ambitions because of ignorance of God and the true religion and a lack of divine grace.⁴³

In contrast to the grace-deprived world of the north, when the bishops went among the barbarians (a process compared to prison and death) they freed them from their errors and violence, albeit only temporarily amid the on-going external and internal battle with paganism.⁴⁴ A cogent example of this is when St Ansgar’s preaching directly placated the tyrannical Danish king.⁴⁵ Adam describes this as a continuous mission of “bringing salvation to the heathen,” spanning two hundred and forty years and continuing into his own day.⁴⁶ Through this mission, he tells us, quoting St

39. Adam of Bremen, *History of the Archbishops of Hamburg-Bremen*, trans. Francis J. Tschan (New York: Columbia University Press, 1959), 222.

40. *Ibid.*, 11.

41. *Ibid.*

42. *Ibid.*, 22, 32.

43. *Ibid.*, 10.

44. *Ibid.*, 22.

45. *Ibid.*, 32.

46. Adam of Bremen, *History of the Archbishops of Hamburg-Bremen*, 222; Adam of Bremen, *Gesta Hammenburgensis Ecclesiae Pontificum*, ed. Bernhard Schmeidler (Hannover: Hahnsche Buchhandlung, 1917), 279-80. “Quae salutifera gentium...incepta prosperis semper in hodiernum diem aucta est incrementis.”

Gregory the Great, “that exceedingly fierce race of the Danes, of the Norwegians, or of the Swedes which . . . ‘knew nothing else but in barbarism to gnash its teeth, has long since learned to intone Alleluia in the praise of God.’”⁴⁷

Christianization and Law According to Alfred the Great

A narrative with similarities to Adam of Bremen’s account of redemption and completion through Christianization is provided by King Alfred the Great in his preface to the *domboc* (c.893). This account also provides an effective counterpart to Adam because Norway’s Christian culture was primarily influenced by both German culture coming out of Hamburg and Denmark and Anglo-Saxon culture coming out of England. Significantly, the bishops and priests that accompanied Olaf Tryggvason (Olaf I, r.995–1000) and St Olaf (Olaf II, r.1015–1028) came from England and Norway’s kings had a close affinity with the courts of Alfred’s successors.⁴⁸ Alfred’s connection with later historical writing in Norway is, however, thematic rather than direct. While Adam of Bremen’s writing later became the most direct antecedent to historical writing in Norway, Alfred the Great was not a direct influence at all. Instead, his narrative of the adoption of Christian law in previously pagan communities displays a consciousness of Christian culture and corresponds closely with the point-of-view expressed in Norway’s medieval histories of the conversion.⁴⁹ Alfred’s historical interpretation of law is an excellent comparandum to Adam because it describes a historical/legal pattern that was followed throughout Europe, including Norway and Iceland, and is indicative of attitudes expressed about law and conversion in the histories.

47. Adam of Bremen, *History of the Archbishops of Hamburg-Bremen*, 222-23.

48. For example, Æthelstan raised Hakon the Good as his son. See Inger Ekrem and Lars Boje Mortensen, eds., *Historia Norvegie*, trans. Peter Fisher (Copenhagen: Museum Tusulanum Press, 2003), 80, 82.

49. Alfred’s court was also the first to devise the concept of *crístandom* in the very same historical work, the Old English Orosius, where Norway is mentioned for the first time.

At the beginning of his *domboc*, Alfred the Great invoked the Mosaic law and the traditions of the Apostles as part of the basis for his own law-making authority among the West Saxons.⁵⁰ Despite what many scholars have asserted, however, this is not an authority that Alfred reserved to himself exclusively.⁵¹ Instead, when following the order in which Alfred discussed law-making from the time of the Apostles, it becomes clear that Alfred thought of himself (and his people and bishops) as continuing a process and tradition that dated back to apostolic times.

Following his redaction of the law of Moses in the preface, Alfred shifts the focus by invoking Christ's words in the Sermon on the Mount, saying: "Christ . . . said, that he did not come to break nor to annul these laws, but with all goodness to bring [them] forth; and he taught mercy and humility."⁵² Alfred then goes on to tell us that, after Christ's ascension, this new "law of Christ" was spread by his disciples to the heathens.⁵³ After teaching the new law in Antioch, however, it became necessary for the Apostles to meet in a synod and publish decrees applying the new, Christian teaching of mercy and judgment to the gentiles' customs, leading to the Council of Jerusalem recorded in Acts 15.⁵⁴

For Alfred, though, the Council of Jerusalem was not a one-time event, but a biblical type for the way in which law is altered as the gospel is spread among each of the heathen peoples. As the gospel spreads to new peoples through the advice of "holy bishops" and "distinguished wise men," synods and councils are called where Christ's laws are applied to their laws and practices and written

50. Alfred the Great, *Domboc*. In *King Alfred's Book of Laws: A Study of the Domboc and Its Influence on English Identity, with a Complete Translation*, trans. Todd Preston (Jefferson, NC: McFarland & Company, 2012), 110-118; Alfred the Great, *The Laws of King Alfred*. In *Ancient Laws and Institutes of England and Monumenta Ecclesiastica Anglicana*, 60-101, trans. Benjamin Thorpe (London: G. E. Eyre & A. Spottiswoode, 1840), 1:45-59.

51. Michael Treschow, "The Prologue to Alfred's Law Code: Instruction in the Spirit of Mercy," *Florilegium* 13 (1994): 79; Patrick Wormald, "*Lex Scripta and Verbum Regis*: Legislation and Germanic Kingship from Euric to Cnut," in *Early Medieval Kingship*, ed. P. H. Sawyer and Ian Wood (Leeds: Leeds University Press, 1977), 125, 133.

52. Alfred the Great, *Domboc*, 116.

53. Alfred the Great, *The Laws of King Alfred*, 57.

54. Alfred the Great, *Domboc*, 116.

down in “synod-books.”⁵⁵ The Council of Jerusalem represented the first instance of a continuous tradition whereby the principles of the Sermon on the Mount were extended to the laws of the gentiles, not simply the old Mosaic law of the Jews. While Alfred cited no examples of this tradition, he certainly had in mind not only his own assemblies but the assemblies of his predecessors, such as King Wihtræd of Kent or Ine of Wessex, and the similar assemblies that produced Christianized (and written) law books throughout Europe.⁵⁶ Likewise, though Alfred made no direct reference, by way of Acts he alluded to St Paul’s teaching that the natural law among the gentiles parallels the Mosaic law among the Jews.⁵⁷ According to the Letter to the Romans, neither of these laws were or are capable of saving us and neither was complete without Christ and Christ’s new law.⁵⁸ Alfred pointed out, however, that anyone who follows the complete law of charity requires no *domboc*.⁵⁹ The true Christian, who had the law written on his heart, would fulfill the letter of the law and go beyond it, consequently avoiding any of the proscriptions and coercive punishments contained in Alfred’s law against religious misconduct.⁶⁰ In summary, Alfred’s history of Christian law, along with Adam of Bremen’s history of the northern missions, has at its heart the interpretation that the Christian faith and the *logos* transform earlier pagan traditions, laws, and folk-ways. Heathens and pirates turned their swords into plowshares and alleluias and transformed corrupted natural law into Christian law and justice. These were seen as very direct and manifestly clear changes derived from the spreading

55. Alfred the Great, *Domboc*, 117-8.

56. For an overview of the function/culture of earlier church councils in England up to Alfred the Great, see Catherine Cubitt, *Anglo-Saxon Church Councils C.650-C.850*, Studies in the Early History of Britain (Leicester: Leicester University Press, 1995). For an original description of such an assembly, see the prologue to Wihtræd, “Wihtræd’s Code,” Early English Laws, <http://www.earlyenglishlaws.ac.uk/laws/texts/wi/>.

57. Alfred the Great, *Domboc*, 116.

58. See Rm. 2:13-15, 3:21-24. R. Weber et al., eds., *Biblia Sacra Iuxta Vulgatam Versionem* (Stuttgart: Deutsche Bibelgesellschaft, 1994), 1751. “cum enim gentes . . . naturaliter quae legis sunt faciunt eiusmodi legem.”

59. Alfred the Great, *Domboc*, 117; Alfred the Great, *The Laws of King Alfred*, 57. Preston’s translation is a little goofy here.

60. For the cultural context of such punishments, see Tom Lambert, *Law and Order in Anglo-Saxon England* (Oxford: Oxford University Press, 2017), 95, 106.

of the gospel.

Christianization in the Three Synoptic Histories

These Christian historiographical traditions naturally made their way into the earliest Norwegian histories. While the majority of early histories of Norway have been lost, there nevertheless remain three historical works concerning the first kings of Norway, collectively known as the “synoptic histories,” thanks to their brevity. These works are the Old Norse *Ágrip af Nóregskonungasögum* and the Latin *Historia Norwegie* and *Historia de Antiquitate Regum Norwagiensium* (commonly called ‘Theodoricus’ after its monkish author). All likely written after the mid-twelfth century but before the reign of King Hakon Hakonsson, they were composed during the tumultuous “civil war period” in Norway and, perhaps for this very reason, only deal with the early kings of Norway, beginning with King Harald I Fairhair (the first true king in Norway, c.872–930).⁶¹ Each work has a different end point, with the *Historia Norwegie* ending abruptly with St Olaf’s journey to Norway to convert it (1015), Theodoricus effectively ending with King Sigurd the Crusader and noting the disorder that followed his death (1030), and *Ágrip* ending with the reign of the three sons of Harald IV Gille (d. 1136). All three of the authors substantially follow literary traditions common to Latin historiography.

Each of the works have distinct elements to their narratives, but a clear common concern is the Christianization of Norway and the conflicts between the old heathen customs and the new faith under the rule of successive kings, by which pagan violence was gradually transformed or snuffed out. The synoptics share a common language in describing the earlier pagan world as flawed or bent and

61. While regnal numbers only come into use in Norway under Magnus the Lawmender, I adopt them here in order to more clearly distinguish kings with otherwise similar names.

the arising Christian world as more complete and wholesome. The anonymous author of the *Historie Norwegie* states in his prologue four fundamental goals for his history: “to describe the situation on every side of this most extensive region, to break down the genealogy of its rulers, and to relate the advent of Christendom along with the exile of Heathendom and the current state of both.”⁶² Less explicitly, *Ágrip* abruptly begins Harald’s vaguely Christian reign with a reference to the debate between heathen and Christian men over the origins of the Yule feast.⁶³ Theodoricus delays any mention of a contest between Christians and heathens until the coming of Olaf Tryggvason, who expresses no desire to rule over pagans.⁶⁴ To flesh out themes about the roles of Christianization, kings, and priests in these histories, each work will be discussed and explained in detail, emphasizing how each narrative portrays the reign of Hakon the Good (r.1015–1028) and the two Olafs.

The *Historie Norwegie* is the most classically styled of the synoptic histories, beginning with a traditionally structured prologue, elements of Roman ethnography/geography (not unlike Adam of Bremen), and quotations from classical authorities. Past the opening page, the history is quick to associate the old north with paganism and notably depicts it as recently converted to the Christian faith, or, more specifically, as newly “embellishing” the *gentes Christiane*, emphasizing that the Norwegians and their neighbors have joined a new, wider community of people and have positively added their virtues to it.⁶⁵ The work even connects the discovery, settlement, and conversion of Greenland with

62. Ekrem and Mortensen, *Historia Norwegie*, 50. “situm latissime regionis circumquaque describere eiusque rectorum genealogiam retexere et aduentum christianitatis simul et paganismi fugam ac utriusque statum exponere.” Translations mine.

63. M.J. Driscoll, ed. and trans., *Ágrip Af Nóregskonungasögum: A Twelfth-Century Synoptic History of the Kings of Norway* (London: Viking Society for Northern Research, 2008), vol. 10, 2-3. “En hér hæfir at skýra spurdaga þann er kristnir menn gera, hvat heiðnir menn myndu til jóla vita, með því at jól vör eru risin af burð dróttins várs”; “Here it is fitting to elucidate a problem posed by Christian men as to what heathen men knew about Yule, for our Yule has its origin in the birth of Our Lord.” Whenever English is quoted for this work, the translation is Driscoll’s.

64. Theodoricus Monachus, “Theodrici monachi Historia de antiquitate regum Norwagiensium,” in *Latinske Kildeskripter til Norges Historie i Middelalderen*, ed. Gustav Storm, Monumenta Historica Norvegiæ (Kristiania: Trykt hos A.W. Brøgger, 1880), 15. “vel omnimodis paganism non imperaret.”

65. Ekrem and Mortensen, *Historia Norwegie*, 52. “Quas nunc partes—Deo gratias—gentes colunt christiane.”

its status as the furthest extent of Europe.⁶⁶ The word here signifying their conversion, *roborata*, even signifies more properly that Greenland and its people have been strengthened morally by the faith. The way the text discusses the newness of Christianity actually emphasizes that early attempts to convert the north, even by St Olaf around 150 years earlier, were only partially successful and Norway's adoption into Christendom was gradual, conflicted, and, in the author's own days, still on going. Further south in Denmark, the author's contemporary Saxo Grammaticus also emphasized that his people had only been truly initiated into the Christian liturgy in his own day, some 200 years after the Danish king Harald Bluetooth had claimed this accomplishment.⁶⁷ It was this contest with paganism, by which the Norwegians had been inducted (largely) into the community of the baptized, that the *Historie Norwegie* sought to emphasize.

The conflicted introduction of Christianity to Norway provided the *Historie Norwegie* with its primary criteria for judging the accomplishments and shortcomings of the kings of Norway. The first king of Norway named as being Christian was, ironically, Hakon the Good, who, despite being fostered in the faith by King Æthelstan, fell "into great error," undergoes "a most wretched reversal," and became apostate and "subjugated in the servitude of idolatry."⁶⁸ Still, he was acclaimed as a good king because, despite his apostasy, "he observed the laws of the kingdom and the statutes of the people more completely than all the kings among the pagan peoples."⁶⁹ In this sense the author of the history, like Adam of Bremen, was willing to grant that earlier pagans had an innate sense of justice and could have good laws and morals, but that without Christ these laws and virtues were

66. Ekrem and Mortensen, *Historia Norwegie*, 54. "Que patria a Telensibus reperta et inhabitata ac fide catholica roborata terminus est ad occasum Europe."

67. Saxo Grammaticus, *Gesta Danorum: The History of the Danes*, ed. Karsten Friis-Jensen, trans. Peter Fisher (Oxford: Clarendon Press, 2015), 2. "que nuper publicis initiata sacris."

68. Ekrem and Mortensen, *Historia Norwegie*, 83. "in tantum errorem incurrit, ut miserrima commutacione . . . appostata factus, ydolorum seruituti subactus."

69. Ibid., 82. "tamen in paganismo degentibus diligentius leges patrias et scita plebis obseruabat regibus."

incomplete and incapable of redeeming anyone. This shortcoming eventually comes full circle because Hakon's eschewing of the Christian faith and the pursuit of a transitory kingdom over the heavenly one caused him to lose both through an act of divine vengeance.⁷⁰

In contrast to the ultimate failure of Hakon the Good, the author of the *Historie Norwegie* focused on the more wholesome justice and piety professed by the two Olafs credited with converting the country. They are described collectively as the kings "who, like bright heavenly lamps, enlightened their country by the holy light of the faith."⁷¹ Not only was Olaf II recognized as a saint and "everlasting king of Norway," but Olaf Tryggvason was even granted the title of *beatus* twice in the *Historie Norwegie*.⁷² It was through Olaf Tryggvason, the author tells us, that Norway was "arrested" by the "wholesome teaching of Christ" and the Norwegians became a "most Christian people" through both the spiritual sword of his bishops and his own material sword.⁷³ His blessedness, however, came only after God enlightened him through a hermit, Olaf being previously a "remote" and "untamed" viking.⁷⁴ Olaf II went even further, becoming a "most blessed viking," actually sanctifying his old life of piracy and shoring up the faith which Olaf I and his bishops had "planted."⁷⁵

These same themes about the definitive transformation Christianity brought to the pagan north also appear in *Ágrip af Nóregskonungasögum*, an early vernacular history in often clunky prose that, nevertheless, uses a Latin-influenced "courtly style."⁷⁶ Hakon the Good is also this history's

70. Ekrem and Mortensen, *Historia Norwegie*, 82, 84. "eterno transitorium preponeret regnum"; "diuina ulcione tali euentu accidisse lippis et tursoribus liquido apparet, ubi puerum Christum denegare ausus hic deuictis hostibus ab ignobili puero deuinceretur."

71. Ibid., 86. "qui quasi clara celi luminaria suam sacre luce fidei illustrabant patriam."

72. Ibid., 86, 94, 100. "Olauum perpetuum regem Norwegie."

73. Ibid., 88, 92, 95. "per quem Christi monita tandem Norwegia cepit saluberima"; "christianissimus populus fiet"; "episcopus spirituali gladio nequiuuit, rex adhibito materiali."

74. Ibid., 92. "hunc tirannum tam remotum tamque indomitum per uiscera misericordie sue mirabiliter uisitauit, uisitando illuminauit."

75. Ibid., 100. "illius beatissimi tiranni Olai"; "sanctam Dei ecclesiam, quam beatus Olauus egregie plantauerat." Mortensen and the translator Peter Fisher consider "tiranni" to be a poetic synonym to "pirata" and "predo," each equivalent to "viking." See Ibid., 24.

76. Driscoll, *Ágrip Af Nóregskonungasögum*, xix.

first major focus in discussing Christianity. Here the king was not presented as a total apostate, but a conflicted Christian, who succumbed to pressures from his heathen wife and subjects. While he kept the sabbath and fasted on Fridays, in every other way he sought to please them. The editor of *Ágrip*, Matthew Driscoll, described this tendency as Hakon “attempting to have his cake and eat it,” insofar as he tried to perform the rituals expected of a pagan king while distancing himself from them and often acting reluctant.⁷⁷ This attempt to both eat and not eat is most obvious when, in the *Ágrip*, he bites a sacrificial horse’s liver following pagan custom, but only after first wrapping it in cloth in order to distance himself from the act.⁷⁸ While his reign saw many conversions and a growing national disinterest in the old religion, the “ill-working” pagans burned the churches, killed priests, and threatened to drive Hakon from the country unless he worshipped the old gods.⁷⁹ Ultimately, Hakon acquiesced to the point that, in a final act of humility, he would not allow himself to be buried as a Christian. His reign allowed the old customs and laws to continue, the fundamentally violent pagans to have royal peace, and the Christian priests to have undependable protection.⁸⁰

Hakon’s practical heathenism stood in pointed contrast to the reigns of the two Olafs, when priests were truly free to preach and heathen society waned as the Christian faith waxed. Olaf I, the author tells us, was chosen by God for great things and was a man of great honor and courage.⁸¹ Olaf II also was ordained to rule Norway by God, returning just at the time “when God wished to make the kingdom available to him” and excelled in wisdom and valour.⁸² At the assembly of Mostr, Olaf I proclaimed the faith, was taken as king, and opened the way for the bishops, priests, and deacons

77. Driscoll, *Ágrip Af Nóregskonungasögum*, 89.

78. *Ibid.*, 8-9.

79. *Ibid.*, 10. “illvirkjum.”

80. *Ibid.*, 11, 16-17.

81. *Ibid.*, 28-9. “En guð, er þetta barn hafði kosit til stórra hluta.”

82. *Ibid.*, 34-7, 39. “er guð vildi opna ríki fyrir hónum, ok”; “ok sýndisk vitrum mönnum í Nóregi hann mikit afbragð í vizku sinni, ok öllum vaskleik um hvern mann fram.”

with him to preach. The *Ágrip* depicts this assembly as a providential moment supported by God, an opportunity, readily accepted, to escape both the tyranny of idolatry and the tyranny of the rival king, Hakon Jarl (here, “the evil”).⁸³ Olaf I then spread the faith across the North Atlantic, sparing “nothing which was to the honour of God and the strengthening of the Christian faith” and replaced the pagan feasts with Christian festivals and churches.⁸⁴ In all this, Olaf I closely paralleled the process of Christianizing law described by Alfred the Great. After his death, however, his successors brought back the pagan ways and made the country once more hostile until St Olaf arrived. He then, imitating Olaf I, “strengthened his kingdom through Christianity and good ways, although with great difficulty, for there were many who opposed him . . . particularly because of the Christian faith he preached,” only to be overthrown and defeated by the pagans who were afraid of how he used his power to support Christianity.⁸⁵ This defeat is described as a martyrdom insofar as Olaf, at the last, laid down his sword and prayed, and was taken away from the battle and from “this kingdom to the kingdom of heaven.”⁸⁶ This act perfected his long life as a warrior while the pagans allowed the kingdom to relapse into tyranny and poor harvests, leading to a general nostalgia among the Norwegians for Olaf’s Christian kingship:

different it was when Óláfr,
the warrior, ruled the land⁸⁷

The final synoptic history, Theodoricus the Monk’s *Historia de Antiquitate Regum Norwagiensium*, having been written in Iceland for St Eysteinn, Archbishop of Nidaros, shows the continuity of many of these historiographical themes about Christianization throughout the Norwegian

83. Driscoll, *Ágrip Af Nóregskonungasögum*, 30-31. The translation of “illi” can be either “bad” or “evil.” Whereas Driscoll selects “bad” in note 62, I believe “evil” better captures his portrayal as a malicious, pagan tyrant.

84. Ibid., 32-35. “er við ekki véttu sparðisk, þat er guði væri tign í ok kristninni styrkr.”

85. Ibid., 36-7, 43. “En þá tók inn helgi Óláfr við Nóregs ríki ok styrkði ríki sitt með kristni ok ǫllum góðum siðum, ok bar þó með mikilli óhoegð . . . allra helzt fyr kristnis sakar er hann bauð.”

86. Ibid., 42-5. “þessu ríki í himinríki.”

87. Ibid., 45. “annat var, þá er Óláfr // ógnbandaðr réð landi.”

periphery. In contrast to the first two synoptics discussed above, however, Theodoricus had little interest in the reign of Hakon the Good. In about a paragraph Theodoricus covers Hakon's entire reign and downfall, complimenting his appearance, hardiness, and virtuous soul and condemning his brother's effective fratricide.⁸⁸ At the same time, many of the historical arguments used by the authors of the *Historie* and *Ágrip* are transferred to his discussion of Hakon the Evil. This shift in focus, in part, bears out Theodoricus' narrative structure: Hakon the Evil provided a much clearer rival to Olaf I, whom he pursued and plotted against. Theodoricus even launched into a lengthy discourse paralleling Olaf Tryggvason with Jovian and Hakon with Julian the Apostate.⁸⁹ Hakon was a slave to the demons and gave them sacrifices, while Julian had sacrificed to evil spirits, both believing that they would preserve their rule.⁹⁰ In contrast, Olaf I and Jovian both preferred to give up earthly rule for their faith, if it meant ruling over heathens. Olaf, Theodoricus tells us, strove "in order that all the land might be subjugated to Christ, or he would not rule over a people pagan in every way."⁹¹

Once Hakon was treacherously murdered by his own servant while hiding in a pigsty, Olaf was resoundingly proclaimed king and he immediately began the process of strong-arming the pagans into submission. The Norwegians and Icelanders were themselves already understood to be hard-hearted, tough, and cold peoples in Roman and, by inheritance, medieval ethnography. As pagans though, they were naturally hard and cruel-hearted, corrupted by sin and violence.⁹² For both these reasons, they often rejected Olaf's insistence that they accept baptism and refused to listen to his preachers. Accordingly, after he won the kingdom,

88. Monachus, "Theodrici monachi Historia de antiquitate regum Norwagiensium," 9. "Hic fuit aspectu pulcher, viribus corporis robustus, animi virtute praestans, omni populo gratissimus. Hic regnavit in pace."

89. Ibid., 11-15.

90. Ibid., 13 "Hacon in regno coepit daemonum esse praecipuus servus et frequentibus sacrificiis illos in auxilium assciscere;" "Iulianus seductus a malignis spiritibus . . . quibus ipse . . . immolabat."

91. Ibid., 15. "ut Christo totam terram subjugaret vel omnimodis paganis non imperaret." Translations are mine unless otherwise noted.

92. Ibid., 20. "nativam duritiam et crudelia ingenia."

the king set his mind, with all his strength and the help of heaven, to the task of driving idolatry and demon-worship from the entire country. He was a tireless husbandman in the vineyard of his Lord. He pressed his cause with prayers and sermons, reinforcing these at times with threats and intimidation. For he saw that the hearts of the heathens were savage, and that only a strong hand could free them from the age-old, ingrained filth of faithlessness and the more or less inborn devil-worship which they had practically imbibed with their mother's milk. And since they were little moved, he often reinforced words with blows.⁹³

This coercive propagation of Christianity by Olaf I quickly came to an end when his enemies plotted against him and forced the kingdom into an effective tug-of-war between Christians and heathens.⁹⁴ It was only with St Olaf that the right order of things was re-established and given greater permanence. Among "barbarians and the uncultivated" northerners St Olaf "shown out as a star" and watered the seeds of faith planted by Olaf Tryggvason.⁹⁵ St Olaf placed the church on a surer footing by founding new churches and endowing old ones, he ended oppression of the good, and forgave his enemies.⁹⁶ In order to shore up the new faith, he enacted new laws, inspired by the Holy Spirit, "full of justice and moderation," and notably had them committed to writing in the vernacular, here once again imitating Alfred's narrative about the creation of Christianized law books.⁹⁷ These laws, Theodoricus assures the reader, were always formulated "in order that he might guide them, as much as he could" from transient things to "the glory of divinity."⁹⁸ Even at the last, however, many of his heathen followers "were unwilling to place the new order of things above the ancient customs" and he dismissed them, unwilling to defeat his enemies using wicked men.⁹⁹ Olaf's efforts were not in vain, despite his death,

93. Theodoricus Monachus, *An Account of the Ancient History of the Norwegian Kings*, trans. David McDougall and Ian McDougall (London: Viking Society for Northern Research, 1998), 14-15.

94. Monachus, "Theodrici monachi Historia de antiquitate regum Norwagiensium," 25, 28. "christianitatem nec minuit nec dilatavit"; "multi quantum ad christianismum a vero exorbitaverant."

95. Ibid., 40. "inter barbaros et incultos. Videte quale sidus emicuerit."

96. Ibid., 28-9, 39-40.

97. Ibid., 28-9. "ut a Dei spiritu doctus rigaret. Leges patria lingua conscribi fecit juris et moderationis plenissimas, quae hactenus a bonis omnibus et tenentur et venerantur. Justi tenax ad omnes."

98. Ibid., 29. "ut breviter concludam ad hoc tantum principabatur mortalibus, ut eos ad immortalitatis gloriam, quantum in se esset, perduceret."

99. Ibid., 35. "novellam institutionem nolle se veteranae consuetudini anteponeere."

however, for Theodoricus assures us that not only did Olaf successfully guide many Norwegians to the true faith in his lifetime, but daily he continued through miracles and intercessions to convert the hearts of the Norwegian people.¹⁰⁰

Faith, King, and Law in the *Passio Olavi*

A similar understanding about the history of the conversion of Norway is seen in the *Passio Olavi*, a popular hagiographical source from around the same time period as the synoptic histories. While on the surface a saint's life seems more likely to rely primarily on folk lore, motifs, and discursive preaching, since it is written more as a sort of legend than the histories discussed above, the *Passio* is probably a more holistic and accurate reflection of how Norwegians in the central Middle Ages understood their history. The synoptics discussed above have an indiscernible circulation and purpose, but they were almost certainly confined to either a clerical or a literate lay audience even if Theodoricus drew his material from knowledgeable Icelanders and popular poems.¹⁰¹ The *Passio*, however, is essentially an extended version of the legend of St Olaf, the patron saint of Norway and the Norse world in general and, as such, is the one historical work which anybody in those countries would have known either directly or through re-tellings in sagas or in festal sermons. Indeed, there are multiple extant sagas about St Olaf, an extant Old Norse sermon, and a number of office readings, all of which have similarities if not a direct connection with the *Passio*.¹⁰² The work is also a very full expression of the story, the history, any Norwegian parishioner would have encountered in the stained glass, painting, and statue depictions of Olaf found in any of the many churches dedicated to

100. Monachus, "Theodrici monachi Historia de antiquitate regum Norwagiensium," 29.

101. *Ibid.*, 3.

102. For the complex relations between the writings about the cult of St Olaf and a discussion of non-extant writings, see Kunin, *A History of Norway and the Passion and Miracles of the Blessed Óláfr*, xxv-xxxix.

him and, of course, the cathedral church of Nidaros where pilgrims would go to his shrine.¹⁰³ Far more than any of the other histories from medieval Norway, it represents a continuous tradition and manner of understanding the kingdom's past, one which endured directly alongside Olaf's cult.

This short history of St Olaf's life, his passion, was quite probably written by St Eysteinn (r.1161-88), Norway's great church reformer. In Olaf's time, he tells us, Norway underwent a tremendous change. The pagan king, allegorically equivalent to his kingdom, was himself benign and naturally disposed to righteousness, but required divine grace and purification, baptism, in order to be complete.¹⁰⁴ This baptism, while leaving his character intact, made him a new man, transforming his essential nature and burying his old self through Christ's death and giving him new life through his resurrection.¹⁰⁵ This image of the old pagan being supplanted by the new Christian became ingrained in St Olaf's traditional iconography, where he is almost always depicted stomping on a dragon, representing the crushing of paganism and its violence, with his own head attached to its neck.¹⁰⁶

Olaf's own baptism soon became a type for the history of Norway's conversion, while Olaf's person became representative of the new Norway. Transformed in Christ, Olaf became a "Christ" himself and inaugurated a "new order of things."¹⁰⁷ Returning from Britain and Normandy "the king, the leader, acting in the role of apostle, preached the grace of the word of Christ himself everywhere and to everyone."¹⁰⁸ By the grace of Olaf's words and spiritual wisdom and the efforts of "them that preach the gospel of peace," many people converted. This occurred, Eysteinn tells his readers, among an "untamed," "crooked and perverse nation" and a people who were hard of heart and filled with

103. For example, see the numerous plates depicted and discussed in Jiroušková Lenka, ed., *Der heilige Wikingerkönig Olav Haraldsson und sein hagiographisches Dossier: Text und Kontext der Passio Olavi (mit kritischer Edition)* (Leiden: Brill, 2014), 178-229.

104. *Ibid.*, 17.

105. *Ibid.*, 17-18.

106. See Appendix A for two examples.

107. Lenka, *Passio Olavi*, 18, 27. "nouo rerum ordine"; "christum eius."

108. *Ibid.*, 18-19. "rex apostoli uice fungens ipse dux uerbi Christi gratiam passim omnibus predicabat."

“torpor and indolence.”¹⁰⁹

One of the clearest historical transformations Norway underwent, according to the *Passio Olavi*, was in law. The historic weight of this transformation was so great, in fact, that a century or so after the life was written both the king and the church understood Olaf to be the source of all the old Christian laws in Norway.¹¹⁰ While the Norwegians certainly had laws before the coming of the gospel and the preaching of the king and his priests, these laws at best desired righteousness (like the pagan king) and at worst enshrined immoral customs devoid of reason and hostile to the divine law.¹¹¹ Amid this disorder, St Olaf brought order:

Lest the lordly and powerful should oppress the lowly with their might, he composed and proclaimed laws both ecclesiastical and civil, full of great wisdom and framed with wonderful discernment. In them he assigned to each estate its proper rights, and determined within strict bounds what authority the bishops should have over their people and what deference the people should show their bishops. In this he was a most moderate and just judge, and wisely bearing in mind how often kings arrogantly misused their subjects, he restrained and bridled royal licence with the rigour of law. These laws reveal how devoted this glorious king was to God, how benevolent to his fellow-men.¹¹²

These laws were designed both to build a new order of things and to instruct the Norwegians in the previously foreign divine law. Olaf himself “vigorously abhorred whatever the divine law forbid, embraced with a disposition of most ardent love whatever it taught,” but he understood that good, rigorous laws had to accompany “sweet speech” and the overthrow of idolatry in order to convert Norway and to restrain violence against the church he was building.¹¹³ The law had to be both benevolent

109. Lenka, *Passio Olavi*, 19, 20, 27. “torporem vel desidiam. . . . nationis prae et peruerse”; “gencium indomitarum”; “indurati et pertinaces in malicia.”

110. For examples outside of the *Passio* itself, see the references to Olaf in the Christian law section of the old Gulathing law book and in Hakon’s *New Law* for the Frostathing, R. Keyser and P. A. Munch, eds., *Den ældre Gulathing-Lov*. In *Norges gamle Love indtil 1387*, 1:1-118 (Christiania: Grøndahl, 1846), 4-29; R. Keyser and P. A. Munch, eds., *Den ældre Frostathing-Lov*. In *Norges gamle Love indtil 1387*, 1:119-258 (Christiania: Grøndahl, 1846), 121. “at lög ins helga Ólafs konungs standi eftir því sem hann hafði skipat.”

111. Lenka, *Passio Olavi*, 19-20.

112. *Ibid.*, 23-4.

113. *Ibid.*, 18-19. “Quicquid diuina lex prohibet, uehementer ahorrebat, quicquid precipit, ardenitissimo complectebatur

and harsh because of the ignorance of the pagans and the refusal of many to accept the gospel.¹¹⁴ The ultimate end of this legislation, however, was that the Norwegians would learn to love God just as St Olaf had.¹¹⁵

Since the *Passio*, and medieval political theology in general, saw the king's body as representative of the people, the discussion about the conflict between the old, immoral customs and the new laws becomes particularly central to the narrative. On the cusp of conversion, the Norwegian people were divided, both literally and mystically, between Olaf's old viking/pagan past and his new nature in Christ. The pagan Norwegians were led "by their wills more than piety, by custom more than reason, by rash fury of the mind more than the love of truth."¹¹⁶ While the new Olaf sought to teach them a new economy of being, a new law, and a new religion, there was another, "ancestral" law among the members of the body of Norwegians; these old laws warred and rebelled against Olaf's laws in their proclivity to the law of sin, both spiritually and literally.¹¹⁷ Force, coercion, and law were therefore necessary to educate the sinful in righteousness and restrain their savagery.

In sum, Olaf created a new Norway in four ways: "in the promulgation of laws, in the relief of the poor, by constant preaching, and by the example of his most holy manner of life."¹¹⁸ While Olaf died like a true viking in the midst of battle (and, accordingly, was normally depicted with an ax iconographically), this battle was neither for power nor wealth but for "justice and equity" and he was armed, as a warrior, with "the sword of the spirit, which is the word of God" and the "the armor of

affectu"; "sermo dulcis."

114. Lenka, *Passio Olavi*, 15. "set multi suscipere contempserant."

115. Cf. Thomas Aquinas, *Summa contra Gentiles* III, ch.116. "Amor igitur boni est ultimum intentum in lege divina. . . . Hic igitur est finis totius legislationis, ut homo Deum amet."

116. Lenka, *Passio Olavi*, 19. "uendicabat uoluntas quam pietas, consuetudo quam ratio, amimi preceps impestus quam amor veritatis."

117. *ibid.*, 27. "quidam uero solius malitie instinctu set et nouam religionem paternis scilicet legibus contrarium." For a comprehensive discussion of the representative theology of the king's body, see Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (1957; Princeton: Princeton University Press, 1997). Cf. Rom. 7:13-25.

118. Kunin, *A History of Norway and the Passion and Miracles of the Blessed Óláfr*, 29.

justice” alongside worldly weapons, a description of the spiritual combatant drawn from several of St Paul’s epistles.¹¹⁹ Accordingly, in death he journeyed as a martyr “for the defense of the faith” from the physical and spiritual battlefield to eternal peace.¹²⁰

Olaf’s symbolic transition from worldly violence to heavenly peace highlights the central theme of Christianization among Norway’s early histories: even as kings and bishops spread the faith and recreated society in and through the *logos*, they quite consistently did so through physical force and the coercion of law. Even while they sought to imbue the people and the old customs with the mercy and justice of Christ’s new law of charity, they consciously, even if reluctantly at times, used coercion (‘the sword’), physical “blows,” and strict laws to achieve this end. The severe, violent, and savage society of the Norse world required the use of “the material sword” to force the old pagan world to drink its medicine of divine grace, peace, and charity. Norway required, in a biblical sense, the Old Law and the sword and external force to give it knowledge of sin and dissipate its disordered state before it would fully accept the internal faith through preaching.

At the same time, especially in the life of St Olaf, the Christian historiography looked forward to a time when the use of force to convert Norway would pass away, when swords would, so to speak, be beaten into plowshares. Eventually the north would be tamed and the warmth of faith could slowly but surely soften the hard and cruel hearts of the externally baptized. The church which had slowly been built up from the fraught days of Hakon the Good to the passion and death of Norway’s first saint, in the minds of Norway’s historians, had laid the foundations for this gradual transformation of the Norwegians into a Christian people. St Olaf himself embodied this aspiration, starting his life as a pagan viking, then embracing the divine law with ardent love and fighting for

119. 1 Th. 5:8; Eph. 6:17; 2 Cor. 6:7-8; cf. Acts 13:49. See textual notes Lenka, *Passio Olavi*, 26. “glaudio Spritus, quod est uerbum Dei . . . per arma iusticie.”

120. Ibid., 29. “pro fidei defensione . . . de bello migrans ad pacem.”

Christ, and finally ending his life, in a final battle, by throwing away his sword as a martyr and spiritual warrior. One of the primary messages of St Eysteinn's life and the synoptic histories was that with the internalization of the gospel the Norwegians too, like their royal saint, would be transfigured from hardened warriors with disordered wills into heavenly warriors filled with the word and grace of God.

CHAPTER II

EVERY MAN WITHIN THE KING'S POWER SHALL BE CHRISTIAN

The conflicting themes of paganism and Christian faith, violence and peace, coercion and charity, and old customs and new laws present in the historiographical and hagiographical traditions of Norway are equally present in the laws written down in this period. As alluded to in the previous chapter, Alfred the Great in his own preface to his law book, Olaf Tryggvason in Theodoricus' history, and St Olaf in the saint's life composed by St Eysteinn saw the preaching of the gospel and the "Christianization" of law as simultaneous, even synonymous, acts which were a continuation of apostolic tradition. This attitude was not confined to history writing in Norway either, but clearly articulated in the prefaces and articles in the law books from all of the regional assemblies, including the Icelandic laws of the Althing. In the law books for the Gulathing, Frostathing, Borgarthing, and Eidsivathing in Norway and *Grágás* in Iceland, the Christian faith, manifested through baptism, is presented as imperative to the right order of the kingdom and enforced by coercion and law.

Law in Norway and Iceland through the middle of the thirteenth century was primarily oral and tied to a variety of local *thing* assemblies. In Iceland, the Althing began every year during the feast of Saints Peter and Paul on June 29 and acted as the highest legal body in the country, hearing cases brought from the four local assemblies. In Norway, by the thirteenth century, numerous smaller local assemblies had been similarly joined together under the wider jurisdiction of four law

things: the Frostathing, centered around Nidaros, the Gulathing, centered around Bergen, the Borgarthing, centered on Viken, and the Eidsivathing, covering the mountainous hinterland. Out in the North Atlantic, Iceland, Shetland, Orkney, and the Faroes also had their own system of local *things* complimented by a single, all-encompassing, thing. These larger “juridical areas” present in all three places were, in some cases, the direct result of royal efforts to shape a comprehensive system of legal oversight. The Gulathing, for instance, was originally more localized before King Hakon the Good expanded its jurisdiction to cover a number of other local assemblies.¹²¹ Throughout the twelfth and thirteenth centuries the laws of each of the provincial assemblies were written down in a number of different codices. These were, properly, not law codes (since they were not codified), but rather law collections. These law books, which all represent the state of law before the “mending” of the law by King Magnus, I collectively refer to as “the old laws,” a classification that corresponds to their names in the critical editions I am using.¹²²

Legislating Christianity is one of the main components of the law books produced by each of these law areas. In fact, being Christian was explicitly required in both Iceland and Norway.¹²³ Despite this fact, or, rather, because of this fact, these early law books are quite legalistic in how they articulate the practice of the faith. They desire to stringently codify the minimum standards of religious adherence and to regulate all sorts of behaviors. Rather than being Christian defined in terms of piety or sincere belief, the letter of the law was fulfilled by adhering to the faith in external, public acts. Failure to adhere to these precepts meant fines or lesser outlawry, once more echoing the theme in Norwegian historiography and based in Christian theology, that coercion was required to

121. The term “juridical areas” is taken from Jørn Øyrehagen Sunde, “The Norwegian code of the realm,” *Landslovsprosjektet*, 6:08. <https://www.youtube.com/watch?v=pEx0UZlbl8o>. For the sake of convenience I will from hereon refer to all of the larger regional things as “law areas,” including Iceland’s Althing.

122. R. Keyser and P. A. Munch, eds., *Norges gamle Love indtil 1387* (Christiania: Grøndahl, 1846), vol. 1.

123. Vilhjálmur Finsen, ed., *Gragas Konungsbók: Genoptrykt efter Vilhjálmur Finsens udgave 1852* (Odense: Odense Universitetsforlag, 1974), 3; Keyser and Munch, *Gulathing-Lov*, 3; Keyser and Munch, *Frostathing-Lov*, 132.

Christianize the hard-hearted Norsemen.¹²⁴

The Structure of Christian Law

All of the old law books profess Christianity to be a central part of the law and society. The clearest example of this is that law books throughout Scandinavia, as well as on the continent, began with a profession of faith, including all the extant law books from the Norwegian and Icelandic law areas. These declarations ranged from the simple to the complex. To leave Norway for a moment, the Burgundian laws begin only with a brief opening line: “In Dei nomine.”¹²⁵ The *Gulathinglaw*, in contrast, invokes the liturgy and articulates a Christian worldview:

The first commandment in our legislation is that we shall bow towards the east and pray to the Holy Christ for peace and a fruitful harvest and that we may keep our country settled and tilled and that our sovereign lord may have strength and health; may he be our friend and we his friends, and may God be a friend to us all.¹²⁶

Much like the chi rho or the “in nomine domini” at the beginning of charters and wills, these short declarations seem to be intended to invoke God’s name when spoken aloud or read and to declare the most basic principle of the law and society. At the same time, like in charters, these opening lines are manifested more or less fully in the clauses and laws that follow. The provincial laws, moreover, contain entire “Christian laws sections,” *Kristindómsbálkr*, which are placed before all the other sections, likely to signify their relative importance in the community and their status as the crux of the legal order in general. When a book of the written law was opened, the first word that appeared was this section title. Even when the Christian laws were placed after the laws about traveling to the

124. For a definition of lesser outlawry, see A. Dennis, P.G. Foote, and R. Perkins, trans., *Laws of Early Iceland: The Codex Regius of Grágás with Material from Other Manuscripts* (Winnipeg: University of Manitoba Press, 1980), 1:250.

125. Ludovicus Rudolfus de Salis, ed., *Leges Burgundionum*, Monumenta Germaniae Historica. Leges II. (Hannover: Hahnsche Buchhandlung, 1973), 30.

126. Laurence M. Larson, trans., *The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law* (New York: Columbia University Press, 1935), 35; Keyser and Munch, *Gulathings-Lov*, 3.

thing, as in the *Frostathinglaw* and later in the *landslov*, the law books consider this only a logical precedence and still designate the Christian laws as coming first.¹²⁷

Christian Law and the Conversion of Iceland and Norway

Under the early customary laws it was a common understanding that Christianity, or religion in general, was the foundation of the legal system. Besides the opening sentence of the laws, this is clearly emphasized in the story of Iceland's conversion to Christianity. According to the priest Ari Þorgilsson's *Íslendingabók*, the decision for all of Iceland to convert was made at the Althing assembly in the summer of 999 or 1000. Before that time, Christian missionaries had only been slightly successful and converts were prosecuted for blasphemy by their own families.¹²⁸ In 999 or 1000, however, the growing Christian faction protested and refused to follow the old, traditional Icelandic customary law since it professed paganism.¹²⁹ At this point "each side, the Christians and the heathens, declared itself under separate laws from the other."¹³⁰ In this case, whether pagan or Christian, religion was understood as the foundation of the law and the peace, and a change in religion required a change in law that was unacceptable to either the entrenched pagan society or the new Christian community, a theme that was also present in the Norwegian historiographical tradition where preaching and changing the law went hand-in-hand.

Even if faith and law were necessarily tied together, the example of Iceland shows that

127. Magnus even explicitly names the *Þingfararbalkr* as "written at the beginning before the book itself begins" in order to not subordinate the first part, the *Kristinsdomsbalkr*, to it. Jana K. Schulman, trans., *Jónsbók: The Laws of Later Iceland; the Icelandic Text According to MS AM 351 Fol. Skálholtsbók Eldri* (Saarbrücken: AQ-Verlag, 2010), 2-3; Rudolf Meissner, trans., *Landrecht des König Magnus Hakonarson*, Germanenrechte Neue Folge (Weimer: Verlag Hermann Böhlau Nachfolger, 1941), 2-5. Only the Christian law sections have survived from the Eidsiva and Borgar law areas, so it is uncertain whether they followed this pattern or the one in the *Gulathinglaw*.

128. Ari Þorgilsson, *Íslendingabók, Kristni saga: The Book of the Icelanders, The Story of the Conversion*, trans. Siân Grønlie, Viking Society for Northern Research (Exeter: Short Run Press Limited, 2006), 40.

129. Anders Winroth, *The Conversion of Scandinavia: Vikings, Merchants, and Missionaries in the Remaking of Northern Europe* (New Haven: Yale University Press, 2012), 135.

130. Þorgilsson, *Íslendingabók, Kristni saga: The Book of the Icelanders, The Story of the Conversion*, 48.

piety and law were not. The law only prescribed the minimum, external standards of adherence to the church. While the conversion of Norway had been accomplished through coercion and the sword, the Icelanders sought to avoid dividing the commonwealth into two rival laws based on two different faiths through legal arbitration. At the request of Síðu-Hallr, the man who the Christians asked to speak an alternative law, a pagan named Þorgeirr agreed to declare both the “Christian and the heathen” laws as the sole lawspeaker, under the guarantee that everyone would abide by the law he declared, thereby assuring Iceland would remain whole.¹³¹ He then, probably quite unexpectedly, declared that everyone had to be baptized and accept Christian law.¹³² However, even though Þorgeirr’s settlement sided with the Christians in terms of religion, it permitted the private worship of idols, the exposure of children, and the eating of horse meat. These were exceptions and compromises which fundamentally contradicted Christian law and practice from apostolic times and which formed a part of the “old law” of the pagans.¹³³ Therefore, even though Iceland became Christian through the law, it did so only nominally.¹³⁴

With this in mind the opening profession of faith placed in the oldest law books takes on a different, clearer meaning. The early laws of Iceland clearly manifested the acceptance of the law that “go[es] with Christianity,” but this acceptance did not necessarily signify that the law or its followers were particularly Christian.¹³⁵ The early laws had as their first precept that “all people in this country must be Christian and put their trust in one God, Father, Son, and Holy Ghost,” but they did not necessarily define what that meant in terms of doctrine or practice or belief.¹³⁶ This corresponds

131. Þorgilsson, *Íslendingabók, Kristni saga: The Book of the Icelanders, The Story of the Conversion*, 49-50.

132. *Ibid.*, 50.

133. These exceptions were later abolished and are not recorded in *Grágás*. See *ibid.*, 50.

134. For a more thorough account of the momentous event and its background, see J.H. Aðalsteinsson and J.S. Jónsson, *Under the Cloak: A Pagan Ritual Turning Point in the Conversion of Iceland* (Reykjavík: University of Iceland Press, 1999).

135. Þorgilsson, *Íslendingabók, Kristni saga: The Book of the Icelanders, The Story of the Conversion*, 49.

136. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 23.

closely with the theme of coercion present in the *Passio Olavi* and the synoptic histories. While the conversion in Iceland was accomplished with fairly light bloodshed (though several Christians were sacrificed in a volcano) and the conversion in Norway was accomplished by the king waging a literal and spiritual battle, both stories emphasized the need for coercion through law or threat of force in order to unite the land under the same faith and the same law. In both cases, also, the conversion to Christianity or to Christian law was seen as necessary to restrain violence, to restore order to the members of the body politic, and to end pagan customs. In neither of these cases, however, was their substantial emphasis on internal conversion or religious education or orthodoxy, only general external adherence to a common fundamental. The persistence of pagan worship and exclusively pagan customs after the nominal conversion of any part of the Norse world is clear proof of this. To take a phrase from Anders Winroth, “during the conversion of Scandinavia, few worried particularly much about beliefs.”¹³⁷ It was enough that a single religion united the legal community on a basic level and peace was maintained. From the pragmatic pagan perspective, this allowed them to continue their old practices in private while freeing them from the pressure to convert; from the Christian perspective this freed them from persecution and laid the groundwork for a more complete conversion later.

External Nature of Early Christian Law

The emphasis on conversion through external acts instead of genuine belief naturally led to greater emphasis on a Christianity defined by external adherence and enforced by coercion. Besides the obvious presence of this in the conversion enforced by, say, Olaf Tyggevason, Alfred the Great made this connection explicit when he cited extensively from the Mosaic law of the Old Testament in his *domboc*. While Alfred, as discussed in the first chapter, went on to speak about the “law of Christ,”

¹³⁷. Winroth, *The Conversion of Scandinavia*, 138.

mercy, and the apostolic tradition, great weight was still given to the “Old Law” and its emphasis on legalistic adherence and coercion, an attitude later reinforced by Alfred’s own legislation coercing his subjects into following the precepts of the Christian faith. This clear connection between the Old Law and the early Christian laws articulated by Alfred was less explicit in the old law books of the Norse world, but the same tendency is still readily present.¹³⁸ Rather than looking for such explicit references to the Old Testament tradition of religious law, these texts have to be scoured for implicit attitudes derived from that tradition.¹³⁹

When early law books do define Christian beliefs, they exclusively do so through its external characteristics, a clear hallmark of the Pentateuch and the Old Law. This makes sense considering the relatively recent conversion of the countries the laws covered, especially considering the very external, often forced, or openly insincere manner in which these conversions frequently took place.¹⁴⁰ In the eyes of the law, people chiefly fulfilled their obligation to be Christian if they had undergone baptism. *Grágás* described the rules for baptism immediately following the opening precept, requiring everyone to be Christian, and it is an important theme in several sections of the more piecemeal laws of the *Gulathing* and *Frostathing*.¹⁴¹ Indeed, severe penalties were attached to the failure to baptize a child or even for not knowing the proper formulas for doing so (lesser outlawry in Iceland, a fine and possibly outlawry in Norway).¹⁴² The Christian religion was so fundamental to the law that foreign non-Christians were even apprehended if they passed a church without seeking baptism and, if they

138. Bagge, *From Viking Stronghold to Christian Kingdom*, 182; Jan Ragnar Hagland, “Norwegians and Europe: The Theme of Marriage and Consanguinity in Early Norwegian Law,” 218; August Klostermann, *Deuteronomium und Gragas* (Kiel: Paul Toeche, 1900).

139. For specific references in *Grágás*, see Hans Henning Hoff, *Haftiði Másson und die Einflüsse des römischen Rechts in der Grágás* (Berlin: Walter de Gruyter, 2012), 346-74.

140. Winroth, *The Conversion of Scandinavia*, 138-39. “Conversion was about the external facts of community and loyalty.”

141. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 23-6; Larson, *The Earliest Norwegian Laws*, 49-51, 226-7.

142. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 26; Larson, *The Earliest Norwegian Laws*, 50.

refused to undergo it, had to leave the country and were not allowed to dine with Christians.¹⁴³ Failure to have this clear mark of entering the Christian community entailed a segregation from and undermining of the legal community.¹⁴⁴

Excommunication and outlawry were also often closely bound together, emphasizing that membership in the community and in the church were effectively the same thing. This is most explicit in the *Frostathinglaw*, where excommunicates had three months to leave the country before they would be outlawed.¹⁴⁵ To be cut off from the body of one entailed being cut off from the other. The precise nature of how outlawry and excommunication related to one another is nevertheless unclear. Some laws referred to people “made an outlaw in Christian law” which might designate excommunication directly, or it may mean that excommunication was quickly followed up by secular outlawry.¹⁴⁶ There were also clear instances when excommunication by the bishop did not lead either to outlawry or any legal penalty.¹⁴⁷ Regardless, some severe violations of Christian law entailed removal from the protection of the law in the *Gulathinglaw*, including exposure of infants, pagan sacrifices, and sorcery, all acts which very clearly attacked the Christian faith and, therefore, the legal community.¹⁴⁸ Similar to the prohibitions against unbaptized people, violators of fasting laws, those who consistently refused to baptize their children, those who didn’t honor Christ in an ale feast, and people who neglected to bury corpses were also forcibly exiled unless they recanted and went to confession, thereby readmitting

143. Larson, *The Earliest Norwegian Laws*, 51.

144. This was also true of Anglo-Saxon England, see Lambert, *Law and Order in Anglo-Saxon England*, 95.

145. For this reason Sverre Bagge considers the distinction between sins and crimes in Norway and Iceland to be often vague, but it is probably more accurate to say that many sins were crimes and many crimes were sins, especially the worst of either. Bagge, *From Viking Stronghold to Christian Kingdom*, 195; Larson, *The Earliest Norwegian Laws*, 254.

146. Elizabeth Marie Walgenbach, “Outlawry as Secular Excommunication in Medieval Iceland, 1150-1350” (PhD diss., Yale University, 2016), 50-51.

147. For an example, see Ármann Jakobsson and David Clark, eds., *The Saga of Bishop Thorlak (Þorlaks Saga Byskups)* (London: Viking Society for Northern Research, 2013), 20.

148. Walgenbach, “Outlawry as Secular Excommunication in Medieval Iceland, 1150-1350,” 51; Larson, *The Earliest Norwegian Laws*, 56-57. Other crimes, such as incest or violating a nun, also merited full outlawry but these were not offenses directly against the Christian laws *per se*. See A. Dennis, P.G. Foote, and R. Perkins, trans., *Laws of Early Iceland: The Codex Regius of Grágás with Material from Other Manuscripts* (Winnipeg: University of Manitoba Press, 2000), 2:77.

themselves to the Christian body through Christian law.¹⁴⁹

In *Grágás* the connection between excommunication and outlawry was less evident. For instance, the worship of “heathen beings” or the practice of sorcery entailed only lesser outlawry.¹⁵⁰ The main place where the connection arose was in the truce and peace oaths that were recited during reconciliations. For a truce, after invoking God, the saints and relics, the pope, the patriarch, the king, the bishops, the priests, and all the Christian people, each man named twelve people to join the truce.¹⁵¹ If the truce was broken, they received the “harshness of the Lord God and the name of ‘truce-ravener’” and were outlawed.¹⁵² For a peace guarantee, it was first announced that the penalty has been paid and then that the two parties are reconciled “as father with son or son with father.”¹⁵³ Like the truce, those who would break the peace were warned of God’s wrath, while those who would keep it received grace instead.¹⁵⁴ More importantly, the peace-breaker was said to be an “outcast despised and driven off as far and wide as ever men drive outcasts off” and ordered to “shun churches and Christian people, house of God and man, every home save hell.”¹⁵⁵ Overall, these precepts further reinforced the legal requirement of being Christian in Iceland and Norway: removal from the community of Christians was either synonymous with or led to removal from the community in general, at least for a time.

Beyond baptism and excommunication, everyone within the laws’ jurisdiction was required to follow a long, detailed list of church laws, including rules and seasons for fasting, prohibitions

149. Larson, *The Earliest Norwegian Laws*, 48, 50-51.

150. Notably, this is the only point in the Christian laws section of *Grágás* where God is mentioned directly, aside from the opening line of the law book and when it speaks about “God’s gratitude” being sufficient payment to those who repair churches unnecessarily. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 38-39.

151. *Ibid.*, 183.

152. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 183-84; Dennis, Foote, and Perkins, *Laws of Early Iceland 2*, 239-40.

153. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 184-85.

154. *Ibid.*, 185.

155. *Ibid.*

about types of work on the Sabbath, and basic prayers. If adults could not recite the *Pater noster* and *Credo in Deum* by heart in Iceland, they could be penalized with lesser outlawry by the bishop, leading to a fine, forfeiture of property, and banishment for three years.¹⁵⁶ Travel was permitted on Sunday, but only with less than forty pounds of baggage and leading no more than one horse, and no more than one handful of berries could be picked on that day.¹⁵⁷ Failure to abstain during fasts led to lesser outlawry and the law delineated precisely what food counted as meat (such as walrus and seal) and what didn't (such as whale).¹⁵⁸ Other foods were banned outright under penalty of lesser outlawry, such as taloned birds, horse meat, and pigs which had eaten human flesh, unless they were starved for six months afterwards.¹⁵⁹ The laws of *Grágás* were in this case very different from the *Gulathinglaw*, where those who violated the Sabbath were told to go to confession rather than being outlawed.¹⁶⁰ There was also a tendency to view church services as contractual, with the bishop or priests charging established fees.¹⁶¹ The *Gulathinglaw* even straightforwardly called priests those "from whom men buy the divine services" and described an agreement with the bishop to "buy these services."¹⁶²

Beyond the instances discussed above and brief mentions of "God's gratitude" or pleasure at tithes or improvements to churches, the exclusive reference to God in *Grágás* was in judicial oaths.¹⁶³ This was also true of the *Gulathinglaw*, though less prevalent, with the exception of calling whales a "gift from God."¹⁶⁴ This is indicative of, yet again, the basis of the law in Christian baptism and an emphasis on God's judgment and punishment. People had to swear on the Cross and declare before

156. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 26.

157. *Ibid.*, 39-40.

158. *Ibid.*, 48.

159. *Ibid.*, 48-49. Some of these prohibitions are clearly derived from the Pentateuch.

160. Larson, *The Earliest Norwegian Laws*, 45.

161. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 37-38.

162. Larson, *The Earliest Norwegian Laws*, 37, 41.

163. For these exceptions, see Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 34; Dennis, Foote, and Perkins, *Laws of Early Iceland 2*, 221, 234.

164. Larson, *The Earliest Norwegian Laws*, 36, 127.

God their good intentions and honesty and call upon God to be “harsh on him” who lies.¹⁶⁵ These oaths were particularly directed at judges, who had to swear they had not been not bribed, but mainly concerned witnesses, defendants, and prosecutors.

On multiple levels, early Icelandic and Norwegian law emphasized that Christian religion was necessary to the legal order and the community writ large. At the same time, the story of Iceland’s conversion, the emphasis on baptism, the penalty of outlawry for excommunicants, the contractual or legalistic idea of religion, and God’s role as judge on oath-breakers all demonstrated that early legal culture was focused on external adherence to Christianity rather than internal conversion. These were what Tom Lambert, a historian of Anglo-Saxon England, called “minimum standards of Christian observance.”¹⁶⁶ There were hints of this externality changing, such as various references in the *Gulathinglaw* encouraging confession (though in some sense it was required), but the overall picture was of a legalistic Christianity based more on the “Old Law” than the “New Law” and closer to the coercive side of faith enforced by King Olaf rather than the free, wholesome faith lived by St Olaf.

165. Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 59, 79, 82-83, 85-87, 174, 211.

166. Lambert, *Law and Order in Anglo-Saxon England*, 106.

CHAPTER III

NEW COMING ON THE OLD SHALL PASS AWAY

Already, in both of the preceding chapters, there were many overtures and references to the concept of the “New Law” of Christ found in the gospels and articulated in the epistles of the New Testament. Alfred directly drew his laws and lawmaking by Christians in general into this frame of reference when he spoke of “the law of Christ” about being merciful and just. Further, in the *Passio Olavi*, St Eysteinn alluded to a new order of laws, built on justice, charity, and mercy that were fostered by the new Christian faith even if accompanied by initial, coercive force. The synoptic histories also made scattered reference to a similar understanding of opposition to Christianity from the old laws and customs and the new faith’s “conversion” of pagan laws. This theme was even more explicit in Ari’s story of the conversion of Iceland in his *Íslendingabók* where one’s faith, pagan or Christian, directly determined one’s laws and nearly divided the country before a compromise was reached.

The association between faith and law on the one hand and the emphasis on “Christianizing” pagan law on the other both also made their way into the old law books of the various *things*. In the Norwegian law books there is especial emphasis that St Olaf himself wrote many of the laws, especially the Christian laws. Whether or not this was true, though there is little reason to doubt St Olaf authored a substantial body of them, it was received tradition that this was the case. The laws,

however, hardly seem like the new law of mercy described by Alfred or emphasized in stories about St Olaf's life. Instead they emphasized coercion, punishment, and external submission to Christian baptism and religious regulations. Rather than reflecting the "new law" these laws reflected the principles of the old Mosaic law and matched the characterization given in the histories that the Norsemen were hard-hearted people who required severe measures to force them to accept the grace of Christianity. Nor was this reflection only characteristic of Nordic law: coercion was also the overwhelming theme of Continental laws, like the Saxon laws or the Guta laws, as well as Alfred's own *domboc* and the other Anglo-Saxon laws. For this reason, scholars have often concluded that the laws were largely tools for legitimization or social control. Prefaced with a prologue coated with Christian ideals about mercy and justice, the laws were seen as primarily propaganda and doing little more than slapping a Christian face on old regulations.

The Medieval Theology of Law

Another answer lies, however, in the medieval interpretation of the law, Christian and Mosaic, new and old. While many medieval scholars and bishops might have been adverse to the particularly harsh methods of Olaf Tryggvason, the overall historical framework articulated by Norse historiography and the coercive nature of the laws would have made sense to theologians and this theology of the new and the old was itself the basis for these histories and laws. The apparent dual emphasis on Christian "newness" on the one hand and coercive, legalistic "oldness" on the other was, in fact, inherent in Christian theology and the Christian worldview: within time, the secular or *saeculum*, the new law of the gospel always co-inherited with the legalism and coercion of the old law.

The Old and the New Testaments for medievals were enormously broad concepts and formed

the basis for their liturgical, historical, theological, legal, and moral understanding of the world and reality itself. They were not, as Henri de Lubac underscores, “primarily or essentially two books, but two ‘Economies,’ two ‘Dispensations,’ two ‘Covenants,’ which have given birth to two peoples, two orders, established by God one after the other in order to regulate man’s relationship with him.”¹⁶⁷ For this reason, for instance, Thomas Aquinas’ *divisio textus* of the Bible, and, hence, his entire biblical theology, centered on the old and the new laws, law and grace.¹⁶⁸ These “economies,” however, were not confined to biblical theology or the story of salvation described in the Bible, nor were the “two peoples” simply the Jews and the Christians. Rather, they formed the essence of universal history, the story of the world and its peoples and of each individual person’s moral life. The two testaments, even though one had been permanently supplanted, endlessly played back and forth within time, awaiting the complete fulfillment of the old and realization of the new in heaven. Each day the story of salvation, embodied in the economies of the two testaments, was told again and accomplished and the historical facts and sense in the scriptures was repeated spiritually: “Christ is born as often as anyone is becoming a Christian” and, just as much, the old law is fulfilled as often as any people is becoming Christian.¹⁶⁹ According to this understanding, however, becoming Christian is continual and never-ending. Whether on a personal or, by extension, on a communal level, conversion is ongoing and the Old Law, and everything it stands for, is constantly being transformed by grace into the New Law, with its fulfillment in charity.¹⁷⁰

167. Henri de Lubac, *Medieval Exegesis: The Four Senses of Scripture*, trans. Mark Sebanc (Grand Rapids: Eerdmans, 1998), 1:227.

168. This is also true of other *magisters* of theology, like John of La Rochelle, Matthew of Aquasparta, and Henry of Ghent. Smith B. Randall, “Thomas’s Inception *Resumptio* Address: *Hic est Liber*” (Paper presented at the International Congress on Medieval Studies, May 2018, Kalamazoo, MI).

169. Lubac, *Medieval Exegesis*, 139.

170. *Ibid.*

Legal Theology in Alfred and Eysteinn

In this framework, Alfred's association of the new Christian laws created in his own time with Apostolic tradition is simply good exegesis. The Anglo-Saxons (or any pagan group) were synonymous with the gentiles at Antioch who received Christ's new law. The old laws and customs of the pagans were synonymous with the natural law described by Paul which required divine grace to be perfected. The new law of Christ, preached by the missionary bishops and kings, which was capable of transforming the old laws of the pagans was synonymous with the new law first preached by Christ himself in the Sermon on the Mount, where it transformed the old laws of the Jews. This "economy," this historical understanding, formed the hidden and unacknowledged cornerstone for both Norse historiography and the actual practice of altering and Christianizing the Norse laws, as recorded by Ari, manifested in the tradition of St Olaf, and discussed in the preceding chapters.

The framework of the old and the new "economies" also sheds additional light on the *Passio Olavi*. As discussed above, Olaf, as a representation of the people of Norway, converted from paganism and subsequently waged a war on behalf of justice, truth, and mercy against the old law. He did this both literally, through introducing new laws to supplant old immoral customs and wielding the sword, and spiritually, through prayers and miracles. The themes of his life fundamentally revealed the co-inherence of coercion and freedom in Christianity within time, with the sword being employed to liberate the pagans from their sinful state even while the gospel was preached. On a deeper level though, St Eysteinn built the very structure of the story of St Olaf around biblical exegesis and the two economies. In the first stage of the story Olaf was a pagan and a viking, desiring righteousness but still fundamentally violent and under the law of sin. In the second stage, Olaf accepted baptism (freely), forsaking the law of sin and his former violence and thereby replacing his "acquired virtue"

with “infused virtue,” and set out to convert Norway.¹⁷¹ While he preached the gospel and attempted to warm the hearts of the Norsemen with the new faith, he was only partially successful and simultaneously enacted new Christian laws and wielded the sword against his enemies. The Norwegians remained fundamentally hard of heart and violent and coercive justice was necessary in this world. In the third stage, Olaf truly becomes St Olaf. Literally in battle against the pagans he armed himself both with a sword and with the word of God, continuing the second stage where the two coincided. At the last moment, however, in his passion, Olaf first forgave all his enemies and ordered money to be paid to his murderers, representing a complete act of charity, and, in the *Ágrip*, laid down his literal sword.¹⁷² Dead, Olaf became a martyr and a saint. The story was thus a complete act where Olaf’s desire for peace and mercy, foreshadowed in his earlier life, was fulfilled in his dying moments. This itself represented a foreshadowing of the end of coercive justice when perfect charity was achieved, an achievement only possible in the world to come and mirrored in the deeds of the saints. In this way, Eysteinn’s life of Olaf purposefully mirrored salvation history itself.

Legal Theology in the Old Law Books

With these two examples in mind, it becomes clear that the early Christian laws, quite possibly based on St Olaf’s enactments, were understood in a similar way. The laws were coercive because sin required coercion and the “cold” Norsemen hadn’t warmed to the faith. The clearest articulation of this idea may be found in the older 1241 laws of King Valdemar II of Denmark, who echoed a statement found throughout Norse law books:

With law the land shall be built, but if each man would be content with his own and let others

171. Andrew Willard Jones, *Before Church and State: A Study of Social Order in the Sacramental Kingdom of St. Louis IX* (Steubenville, OH: Emmaus Academic, 2017), 402.

172. Lenka, *Passio Olavi*, 26; Driscoll, *Ágrip Af Nóregskonungasögum*, 43-5.

do the same, then you would not need any law. And no law is as good to follow as the truth, but if you doubt about the truth, then the law shall lead to the truth. If there were no law in the land, then he would have the most who could grab the most. Therefore the law shall be done for the needs of all men, so that just men and wise men and men not litigant can enjoy their peace, and unjust men and bad men may fear that which is written in the law and not dare to carry out the evil which they have in their minds. And it is also just, that if someone cannot by the fear of his God or the love of justice be induced to act well, the fear of his lords and the penal law of the land shall prevent them from doing ill and punish them if they act badly.¹⁷³

Here Valdemar evocatively recalled much of the legal theology articulated above. Law was necessary to restrain evil men and promote justice and truth, but if anyone failed to avoid what was evil out of love, the law, coercive justice and the sword, would induce them to the good. Nor would this coercive aspect ever pass away except in the most perfect of saints since “one is never done becoming Christian.” The fact that there was law at all was indicative of this, since charity moved one beyond the law while the law itself bore witness to sin, whether the law of Moses or the sword of Caesar.¹⁷⁴ Thanks to sin, law had to intervene and build up a righteous and just land, but even this was impossible without divine assistance. Law and restraint were incapable of bringing about redemption without the grace distributed through the sacraments.

A clear source for this understanding of coercion in the early laws is the similarity between the old Christian law of *Grágás* and penitential literature. Bishop Thorlak Runolfsson and Bishop Ketill composed the Christian laws in *Grágás* in the early part of the twelfth century with the approval of the archbishop and the clergy.¹⁷⁵ A later contribution to this body of law concerning fasting regulations, however, was apparently taken from the penitential assembled by St Thorlak (1133-1193),

173. Ditlev Tamm and Helle Vogt, trans., *The Danish Medieval Laws: The Laws of Scania, Zealand and Jutland* (New York: Routledge, 2016), 242. The first line here, “with law the land shall be built up,” is found in a number of law books, including *Járnsíða*. Sandvik and Sigurðsson, “Laws,” 243.

174. See Rm. 13. Weber et al., *Biblia Sacra Iuxta Vulgatam Versionem*. “Nam principes non sunt timore boni operis sed malis. . . . si autem male feceris time non enim sine causa gladium portat Dei enim minister est vindex in iram ei qui malum agit.”

175. Sveinbjorn Rafnsson, “The Penitential of St. Þorlakur in Its Icelandic Context,” *Bulletin of Medieval Canon Law* Vol. 15 (1985): 20.

the only surviving penitential from Norway and Iceland.¹⁷⁶ This direct connection explains in part the similarities between how the faith is legislated in *Grágás* and in penitential literature, with its legalistic, externally focused prescriptions. The influence of Bishop Thorlak over Iceland's Christian laws and St Thorlak over penitential practices was long-lasting and their regulations were partially reconfirmed and preserved through subsequent centuries.¹⁷⁷ Both the Christian laws of *Grágás* and the saint's penitential, however, were jointly supplanted by new penitentials and a new Christian law more keenly under the influence of Gratian and the latest ecumenical councils under Bishop Jörund of Hólar (r.1267-1313) and Bishop Arni (r.1269-98).¹⁷⁸

Reform Theology and the Law

Reform theology did not look kindly on penitential literature, nor did the new scholastic view of canon law coming out of Bologna and Gratian's *Decretum* and *De Penitentia*. Penitential legalism, its focus on tit-for-tat punishments, its ignorance of circumstances and intentions, and its poor reflection of the depths of the spiritual life all ran up against the ideals of Christian renewal and harmonization, Christian redemption and pilgrimage, and Christ's new, internally-focused law. Penitentials without clear, canonical authenticity had even been condemned as early as the Council of Chalons in 813.¹⁷⁹ Penance was written in the heart, not in a manual, and even the dialectic method in canon law idealized teasing out nuances and particularities to each and every case based on apostolic tradition and biblical principles.

Accordingly, by the turn of the thirteenth century, the traditional penitential had all but

176. Rafnsson, "The Penitential of St. Þorlakur in Its Icelandic Context," 20, 24.

177. *Ibid.*, 23.

178. *ibid.*, 24. For a direct example of the utilization of the new canon law, see the mention of *decretalem* in *Grímsdóttir, Árna Saga Biskups*, 74.

179. Giovan Domenico Mansi, ed., *Sacrorum conciliorum nova et amplissima collectio* (Venetia, 1769; Paris: H. Welter, 1902), Canon 38.

disappeared. Their calculating, literal mentality no longer served either reformed or scholastic theology's desire to stir the hearts of the tepid and improve the life and laws of the church. The *Liber Poenitentialis*, written by Robert of Flamborough and appearing in 1208, effectively marked the transition between the old style of penitential and a new type of penitential literature, the *Summae confessorum*. As J.J. Francis Firth described it in his edition of the *Liber*, "it was through this work that the new, formal, 'scientific' canon law, which had developed during the eleventh and twelfth centuries, first became available to the ordinary confessor and so began to influence the consciences of individuals in a new, very effective way."¹⁸⁰

While St Thorlak's penitential laws bore some influence from his education in Paris and Lincoln, they were decidedly of the "old" sort.¹⁸¹ Since Thorlak and *Grágás* were (effectively) pre-Gratian and pre-Robert of Flamborough, they lacked many of the culminating hallmarks of the age of reform's "profound transitions."¹⁸² For example, Alger of Liege, who was the first to employ the scholastic method on canon law, spoke of how "some canonical precepts are for mercy, others are for justice, differentiated by diverse circumstances, persons, and times," yet they always "preserve the same intention of charity, the same operation of salvation."¹⁸³ While mercy was obviously not a new idea, the tradition out of which the old laws in Iceland explicitly came (and implicitly in Norway) did not emphasize it, and they utilized a general, prescriptive legalism rather than the nuanced analysis advocated by Alger and Robert. It is the spreading of this tradition and its new emphasis on legal reasoning over the letter of the law, on mercy over justice, and on charity and faith as necessary for

180. J.J. Francis Firth, ed., *Liber Poenitentialis: A Critical Edition with Introduction and Notes* (Toronto: Pontifical Institute of Medieval Studies, 1971), 1.

181. Rafnsson, "The Penitential of St. Þorlakur in Its Icelandic Context," 27.

182. Robert Somerville and Bruce Clark Brasington, eds., *Prefaces to Canon Law Books in Latin Christianity* (New Haven; London: Yale University Press, 1998), 105.

183. Alger of Liege, "Preface to the book On Mercy and Justice," in *Prefaces to Canon Law Books in Latin Christianity*, ed. Robert Somerville and Bruce Clark Brasington (New Haven; London: Yale University Press, 1998), 166.

harmony, into the new laws composed under Magnus the Lawmender that this essay now turns.

CHAPTER IV

WE SHALL HAVE AND HOLD THE CHRISTIAN FAITH

The shifting focus of historical narratives in Norway and Iceland between pagan violence and Christian peace, current coercion and future harmony was based on the Christian theology of the old and the new law. Since the regional laws effectively embodied this by expressing a coercive “old” style of law, the expectation among good Christians and good theologians, especially reform-minded ones, would be that eventually this coercion would be transformed into wholesome piety and charity through on-going conversion, into a more complete “new” law. As the incarnation of the *logos* continued spiritually within the hearts of people, as allegory gave way to tropology, the spiritual and material swords would slowly, if never completely, be beaten into plowshares. Imitating their patron St Olaf, the violent Norsemen with evil customs would be transformed into saintly people with fully Christian laws.

This general transformation in the thirteenth-century Kingdom of Norway is precisely what is articulated by the “new laws” created during the reign of Magnus the Lawmender. Starting with the new Christian law for the Gulathing and *Járnsíða* and culminating in the *landslov* and *Jónsbók*, Magnus earned himself his title, *lagabætir*, “law-amender,” through this enterprise. In contrast to the “old laws” written down by the regional assemblies, these “new laws” produced by Magnus himself reflected far more completely the fullness of law found in the “economy” of the New Testament and

the tropological, moral sense. At the same time, the new laws also drew Norway's legal system of *things* and courts far closer to the model of the *parlements* found throughout Europe, where the king acted as protector of the peace, often through the mediation of a council composed of the chief lay and ecclesiastical men of the realm. The laws also appear to imitate the curial courts as well, where the pope, using the latest methods in canon law, acted as a judge and arbitrator between rival factions and interests in the lay, secular, and religious orders of the church and used the power granted to humanity by Christ as the *logos* to create new laws and legal fictions *ex nihilo*.¹⁸⁴ Magnus' laws, rather than representing a royal attempt to monopolize law-making, represented an effort to renew the old customs of the kingdom, to emphasize principles over the letter of the law, and to lay the legal groundwork for a kingdom built on harmony and charity through the working of sacramental grace.

To capitalize on this new interpretation of the laws it is first necessary to prove how the actual historical development of the laws corresponds with it and, indeed, corresponds with it more closely than other interpretations. It has already been shown, in the previous chapters, how the authors of the early Norwegian histories, writing in the Christian historiographical tradition, understood law and history and how this understanding entered directly into the "old laws." Now it must be demonstrated that this understanding continued and informed the "new laws" as well. From there the way is clear to explore how the new laws were based on co-inherence.

The New Laws

As many scholars have observed before, the two decades of Magnus' sole rule saw unprecedented creation of new law books. While his father, Hakon Hakonsson, and before him Magnus Erlingsson, had enacted several new laws (in the case of Hakon, these were actually called the "New

184. Milbank, *Beyond Secular Order*, 195-8.

Laws”) these had been largely piecemeal and simply added to or revised customs and parts in the standing legal traditions of the provinces.¹⁸⁵ Under Magnus things quickly changed. At first, Magnus effectively followed in his father’s footsteps and toured the law areas year by year and persuaded each *thing* to accept new, revised laws. During the 1270s though, the king issued a new law book for Iceland, *Járnsiða*.¹⁸⁶ While it substantially recycled much of the earlier *Grágás*, it was still a new book and it contained a number of new laws based on Norway’s laws, representing Iceland’s official submission to King Hakon and King Magnus’ rule in 1262.¹⁸⁷ This was significant since it meant the law was no longer primarily oral, but written, and the Icelanders themselves recognized it as a new “Norwegian law book.”¹⁸⁸ This model was then used to produce, year by year from 1274-76, a new law book for each of the Norwegian law areas that was essentially the same format throughout the entire kingdom even while they differed in particulars and significantly expanded the contents of the earlier *Járnsiða*.¹⁸⁹ This earned this common body of law books used in Norway the title “landslov”: the new law of the land. Very similar new law books were also written in 1276 for the various towns of Norway, which substantially paralleled the *landslov*, with local revisions.¹⁹⁰ A new law book for the royal court and retainers, the *Hirðskrá* (the book of the Hirð) from 1273-77, also adopted some of the same material.¹⁹¹ Last of all, allegedly following up on complaints about *Járnsiða*, Magnus had

185. Sverre Bagge, Synnøve Smedsdal, and Knut Helle, eds., *Norske Middelalder Dokumenter* (Bergen: Universitetsforlaget, 1973), 96-103.

186. Þ. Sveinbjörnsson, ed., *Járnsiða Eðr Hákonarbók: Codex Juris Islandorum Antiquus* ([København?]: J.H. Schultz, 1847).

187. See Schulman, *Jónsbók*, xiv.

188. Grímsdóttir, *Árna Saga Biskups*, Ch. 18. “lögbók norræna”; Guðrún Ása Grímsdóttir, ed., *Lárentius Saga*. In *Biskupa Sögur III*, Íslensk fornrit (Reykjavík: Hið íslenska fornritafélag, 1998), 223. “Kómu norræn lög í land.”

189. R. Keyser and P. A. Munch, eds., *Den nyere landslov*. In *Norges gamle Love indtil 1387*, 2:2-178 (Christiania: Grøndahl, 1848).

190. R. Keyser and P. A. Munch, eds., *Den nyere By-Lov eller Bjarkö-Ret*. In *Norges gamle Love indtil 1387*, 2:179-290 (Christiania: Grøndahl, 1848); Rudolf Meissner, trans., *Stadtrecht des Königs Magnus Hakonarson für Bergen: Bruchstücke des Birkjenselrechts und Seefahrerrecht der Jónsbók* (Weimer: Verlag Hermann Böhlhaus Nachfolger, 1950).

191. R. Keyser and P. A. Munch, eds., *Hirdskraa*. In *Norges gamle Love indtil 1387*, 2:387-450 (Christiania: Grøndahl, 1848).

at least mostly completed *Jónsbók* as a new law book for Iceland just before his unexpected death in 1280.¹⁹² The similarity of these books, moreover, is underscored by the constant reference in *Bishop Arni's saga* to the “landslov” whenever it refers to any of these law books.¹⁹³ Their importance for the history of Norway and Iceland can also be scarcely overemphasized: more copies, by far, of the *landslov* and *Jónsbók* are extant in their respective countries than any other work and there are so many copies that it is certain “every judge, every sheriff, every bishop, and every monastery had a copy of the code next to the copies that must have existed at the king’s court and at the archbishop’s palace.”¹⁹⁴ This situation was in marked contrast to other laws books from, say, Sicily or Castile, which remained boxed up in the royal palace.

The New Kingship and the New Law

The clearest and most direct influence on Magnus’ laws was the *King’s Mirror*, a Norwegian rendition of the European genre of “mirrors for princes.” Consequently, one of the most obvious sources for the renewal of law in the Kingdom of Norway lay in the changing nature of kingship and kingdom which it articulated and which was lived out in Magnus’ reign.

A clear indication of this is that Magnus was crowned king, to reign alongside his father Hakon, in 1261. Only sixty-seven years earlier, in 1194, King Sverre (r.1184-1202), his great-grandfather, had been crowned in the same church, but an enormous gulf separated the two rituals.

192. As evidenced in the prefatory letter, which begins with his name, and that it was brought to Iceland only a few months later. Schulman, *Jónsbók*, 2-3.

193. Following this model, when I refer to the *landslov* generically it is inclusive of *Jónsbók* and *Bylov*. The name *Jónsbók* appears later in a manuscript from 1363, referring to the fact that it was Jón Einarsson who possessed the original copy. See Sandvik and Sigurðsson, “Laws,” 228. *Bishop Arni's saga* still refers to it as “the book which the lord Jón came with,” see Grímsdóttir, *Árna Saga Biskups*, 86-87. “bók þá er herra Jón fór með”; “landslögum.”

194. Over 100 whole and partial copies of the *landslov* survive from before 1350 alone. See Sunde, “The Norwegian code of the realm.” In Iceland some 260 copies of *Jónsbók* survive, half from the Middle Ages, and it was even used to teach people to read, Schulman, *Jónsbók*, xxiii.

Sverre's coronation was effectively coerced out of the Bishop of Oslo and he was excommunicated later that same year because of his continued attacks on church rights and acting like a brigand. Magnus' coronation was peacefully carried out by the Archbishop of Nidaros and he remained in good standing with the church and never faced any substantial external or internal threats throughout his reign.¹⁹⁵ This transformation of kingship in Norway into the ideal of the Christian *rex* is aptly summed up by the title of Sverre Bagge's book *From Gang Leader to the Lord's Anointed*, but this change was, in fact, even older.¹⁹⁶ The term *rex* itself originally designated a petty chieftain, and this idea was largely transformed into our modern and pre-modern picture of a king by the church itself.

The key turning point in the transformation of the king from a later-day viking chieftain to a just ruler, already begun in the earliest histories of Norway discussed in the first chapter, is the reign of Magnus' father, Hakon Hakonsson. His reign marked the end of the "civil war period" that had plagued the country for a hundred years; he was crowned and anointed specially by the pope's legate, William of Sabina. His saga took on a very different character than older king's sagas, emphasizing his royal justice. The important treatise on kingship, the *King's Mirror* was written during his reign, under his influence, and possibly for the sake of his son. This, in turn, marked a shift towards emphasizing the king's role in improving law and justice such that "responsibility for peace had started to influence law-making in areas other than outright conflict-resolution: for instance, land rent and poor relief," thereby setting the stage for Magnus' later reforms.¹⁹⁷ It is also notable that almost every king up to Hakon Hakonsson was illegitimate and had fathered bastards and kept concubines, but neither Hakon

195. This is excepting the invasion of Scotland carried out by his father in defense of the Isle of Man and the Western Isles, during which Magnus stayed in Bergen and the peaceful resolution of which, following Hakon's death, Magnus negotiated.

196. Bagge, *From Gang Leader to the Lord's Anointed*; Bagge, *From Viking Stronghold to Christian Kingdom*, 162.

197. 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," 136.

nor any king after him apparently had any illegitimate children.¹⁹⁸ He also brought new, Paris-style Psalters and translations of prominent vernacular texts to Bergen.¹⁹⁹ In many ways, then, Hakon marked the turning point when Norway truly and fully entered the culture of continental Europe and the *res publica Christiana*.

This turn towards Europe and Christendom, including the new forms of law and kingship, is most clearly found in the *King's Mirror*. The book was composed somewhere around the year 1250, but its authorship, while probably clerical like other mirrors for princes, remains unknown.²⁰⁰ Based on its dating it can be assumed it was either given to Magnus directly for his instruction or else was in general currency.²⁰¹ It takes the form of a father (the king) instructing his son (the prince) through dialogue about the ideal king. The king is recognized as the “keeper” of the “house” of judgment over temporal matters who is eminently answerable to God for his “stewardship” over the kingdom and “how he has used the rod of punishment.”²⁰² “In temporal matters he is to judge between men and in such a way that the reward of eternal salvation may be given to him and to all others . . . Into his hands God has also committed the sword of punishment with which to strike when the need arises,” but he “must always strike, not in hatred but for righteous punishment.”²⁰³ In this sense the king’s office is primarily as God’s steward whose purpose is “to watch over the rules of the sacred law and deal out justice in all cases” in order to save his own soul and encourage virtue and charity among his subjects. Contrary to Sverre Bagge’s interpretation, which focuses exclusively on political themes

198. This information is based on paging through lists of every king of Norway’s children.

199. Marina Vidas, *The Christina Psalter: A Study of the Images and Texts in a French Early Thirteenth-Century Illuminated Manuscript* (Copenhagen: Museum Tusulanum Press, 2006).

200. Bagge, *The Political Thought of the King’s Mirror*, 13.

201. The author makes it very clear that he called it the *King’s Mirror* to give it an exultant sounding name that would attract interest, not necessarily because he was writing for the king himself. See Laurence M. Larson, trans., *The King’s Mirror* (New York: American Scandinavian Foundation, 1917), 74 See page 75 below for a discussion about the work’s influence on the *landslov*.

202. *Ibid.*, 359-62.

203. *Ibid.*, 359.

from a modern “secular” perspective and is based on a series of tenuous assumptions, neither the *King’s Mirror* nor the themes borrowed from it in the *landslov* were in any way manifestly anti-clerical.²⁰⁴

The king’s role in promoting a just and harmonious society fits exactly with the overall theme of the book. Rather than dwelling solely on kingship, the *Mirror* states that its express purpose is to explain the “crafts” and “usages” of the diverse parts and “vast multitude” of society in five parts: “the activities of merchants and their methods,” “the customs of kings and other princes and of the men who follow and serve them,” “the doings of the clergy and their mode of life,” and “the activities of the peasants and husbandmen . . . their habits and occupation.”²⁰⁵ The author also makes it clear that the audience was the entire kingdom, stating:

Although this book is first and foremost a king’s mirror, yet it is intended for everyone as a common possession . . . whoever wishes is free to look into it and to seek information, as he may desire, about his own conduct, or any other type of manners which he may find discussed in the book.²⁰⁶

For this reason, Andrew Hamer sees the author of the book as attempting to teach wisdom to everyone so that they can “avoid the downward-sloping paths of error” and play a “part in the building of the holy city.”²⁰⁷ This holy city was nothing other than a just, merciful, and peaceful kingdom where the king ruled as temporal judge over the sacred laws, the bishop gave the people spiritual food and chastisement, and the other components of society, the king’s household, the merchants, and the peasants, each fulfilled their necessary duties in harmony and charity. It was this “city” which the king was appointed to protect and for which at every level, imitating the intercessory prayers said at

204. The bulk of the argument in *The Political Thought of the King’s Mirror* is based on a “royalist view” almost entirely constructed from Bagge’s assumptions. For example, Bagge considers the assertion that the sword of the bishop only harms when it is justly wielded “not manifestly incompatible” with normal ecclesiastical teaching, but nevertheless chooses to interpret it as contradictory to church teaching. See Bagge, *The Political Thought of the King’s Mirror*, 147.

205. Larson, *The King’s Mirror*, 73. Only the first two sections were written or survive.

206. *Ibid.*, 75.

207. Andrew Hamar, “Searching for wisdom: *The King’s Mirror*,” in *Speculum Regale: Der altnorwegische Königsspiegel (Konungs skuggsjá) in der europäischen Tradition*, ed. Jens Eike Schnall and Rudolf Simek (Wien: Fassbaender, 2000), 62.

mass, the Father in the dialogue instructs the Son to pray.²⁰⁸ It is this combined vision of society as a complex web of places, customs, habits, and peoples that can co-inhere in metaphysical peace with the king as the guardian of the peace and judge of those who break the laws that filters into the *landslov*. Simultaneously, the *Mirror* hearkened back to the interpretative framework of the “old” and the “new,” justice and mercy, coercion and grace, analyzed throughout the preceding chapters.

The New Laws and the Church

A thorough re-analysis of Magnus’ new laws would not be complete without some initial discussion of the church’s reaction to Magnus’ laws and the bishops’ creation of their own “new Christian laws.” Since just about any other interpretation stresses how Magnus’ new laws and new ideal of kingship brought him into conflict with the church, it is essential, in order to re-characterize his intentions, to reconsider the history of this “conflict.”²⁰⁹ While Magnus was busy revising and devising laws for his kingdom, in the ecclesiastical realm law books similarly multiplied. After an apparent disagreement between King Magnus and the newly elected Archbishop of Nidaros, Jon Raude, during Magnus’ earlier revisions of the *Frostathinglaw* in 1269 over his authority to revise the Christian laws, the archdiocese began composing a Christian law book exclusively attached to the church hierarchy.²¹⁰ The result was Jon Raude’s Christian law book, which was completed at an uncertain date.²¹¹ Likewise, in Iceland, Bishop Arni compiled and adopted a new set of Christian

208. Oscar Brenner, ed., *Speculum Regale: ein Altnorwegischer Dialog* (Munich: Christian Kaiser, 1881), 156-59. The prayer is the only part of the text in Latin.

209. I do not mean here that a conflicted relationship between the bishops and a king necessarily precludes a harmonious vision of society, only that Magnus’ laws and what we know about him fit, rather than conflict with, this vision.

210. It is, however, uncertain when the Archbishop began the law book, but perhaps not until 1272-3.

211. Guðrún Ása Grímsdóttir seems to think it was written in 1273 while the editors of *Norges Gamle Love* only say it was written during Magnus’ reign. Grímsdóttir, *Árna Saga Biskups*, 32, note 1. R. Keyser and P. A. Munch, eds., *Norges gamle Love indtil 1387* (Christiania: Grøndahl, 1848), 2:vi-vii. Based on the context in *Bishop Arni’s Saga* I would consider 1275, perhaps 1274, more likely, since when Arni discusses it with Jon in 1273 it is apparently still in preparation.

laws at Jon's instigation to replace the ones which had been produced by Bishops Thorlaker and Ketill in the early twelfth century in the now moribund *Grágás*.²¹² It was adopted on condition of royal and ecclesiastical approval of certain provisions in 1275.²¹³

As mentioned in the introduction, historians have consistently seen the simultaneous compilations of these law books with Magnus' royal law books as evidence for considerable strife between the "church" and the "state" or crown, between the centralizing monarchy and the Gregorian Reform-minded church, in the 1270s. One of the most often cited examples of this animosity is an episode from *Bishop Arni's saga* when the titular personage gets into a dispute with the king's legate, Lodin Lepp over the newly arrived *Jónsbók*.²¹⁴ Summed up concisely, when Bishop Arni and the farmers refuse to accept a long list of laws in the new law book Lodin angrily rebukes them, turns the people (mostly) against Arni, and insists that everyone must accept the entire law book, since the king alone has power over the law, and then petition for emendations. This was, some contend, the ultimate statement of the new, royal legislative monopoly Magnus introduced. A careful reading of this episode, however, and other contextual passages through the saga, reveal a pointedly different picture and one which accords precisely with the kingdom of co-inherence articulated in the *King's Mirror*.

By the time Lodin Lepp landed in Iceland with the new law book in 1280, the *regnum* and *sacerdotium* in the kingdom already had a long history. Magnus himself had died unexpectedly before Lodin's departure, but Arni and the king's relationship dated back to 1262 when the two had met in Norway when Arni was still a deacon and Magnus co-ruler with his father. According to *Bishop Arni's*

212. Grímsdóttir, *Árna Saga Biskups*, 31-2. "Árni byskup vissi ok at Jón erkibyskop ætlaði nýjan kristin rétt at skipa, sem hann gerði, ok hann hafði boðit honum með þeim hætti fram at fara á mönnum lög at segja um kristin rétt. Gjörðu þeir svá meðan þeir lifðu." This a later addition to AM 220 VI fol.

213. *Ibid.*, Ch. 32.

214. For the full account, see *ibid.*, Ch. 62-63. For a contrasting rendition of this episode from the one in this chapter, see Bagge, *From Viking Stronghold to Christian Kingdom*, 204-6.

saga, it was at this point that the two became life-long friends.²¹⁵ A number of years later, in 1268, the canon Jon Raude was elected Archbishop of Nidaros and, shortly thereafter, Arni was elected to the bishopric of Skalholt, though Jon originally sought to appoint his own candidate before the unexpected death of the canon he had chosen changed his mind.²¹⁶ In this case as well the two departed in friendship, with Jon giving Arni a canon law book, *decretales cum apparatu*, “in friendship.”²¹⁷ This proved fortuitous since Arni would spend the better part of his career, beginning right after his return to Iceland, fighting for the rights of the church against the aristocratic landholders on the island and ambitious lawyers from the king’s court.

Contrary to what previous scholars have claimed about “church” and “state” under Magnus the Lawmender, *Bishop Arni’s saga* makes it very clear that it was these two men, King Magnus and Archbishop Jon, who were Arni’s most consistent allies in his fight to uphold canon law and the rights of the church. The saga, for example, relates that Arni asked for the archbishop’s “advice and help in this suit” and states that Arni considered the king “a true and perfect friend of the church.”²¹⁸ This support was clear straight from the beginning following his appointment and ordination in Nidaros, when the two men sent letters attesting to his wisdom, benevolence, and spiritual fatherhood and urged the Icelanders to be obedient to him.²¹⁹ Accompanying the archbishop’s remarks about the election process and his favorable appraisal of Arni’s character, it relates also that:

King Magnus also testified in his letter that he, the same Arni, was known to him by his [many] good qualities, and for this reason he asked and bid all his servants and his subjects in Iceland that they should receive him readily and honorably and should esteem and honor him in everything

215. Grímsdóttir, *Árna Saga Biskups*, 8. “milli Magnúss konungs ok þessa sama Árna sá er aldrei þraut meðan þeir lifðu bádir.”

216. *Ibid.*, Ch. 8.

217. *Ibid.*, 13. “Leiddi hinn sami erkibyskupi hann út harðla sæmiliga ok veitti honum í vingjöf *decretales cum apparatu*.”

218. *Ibid.*, 34, 28. “Árni byskup hafði kunngjört herra Jóni erkibyskupi...ok beiddiz hann ráðs ok fulltings um þessi mál”; “þess er hann trúði sannan ok fullkominn vin kirkjunnar.”

219. *Ibid.*, 13-14.

which belongs to Christ-like obedience to the honor of Holy Church and to a spiritual father.²²⁰

Likewise, when Arni came into conflict with the various laymen and magnates who possessed *staðr* (churches built and attached to estates and, therefore, effectively controlled by the landowners who often appointed their own clergy), citing his new canon law book which forbade lay ownership and control of churches, both he and his opponents appealed to “the king and the archbishop” at precisely the same time Magnus’ original law book for Iceland, *Járnsíða*, was first introduced.²²¹ The laymen claimed that both of them must be ignorant of Arni’s severe actions, attempting to overthrow the parish system that had existed since the conversion, while Arni trusted that the two of them would vindicate him.²²²

The result of Arni’s and the magnates’ appeal was a grandiose trial in Bergen two years later in 1273, since letters and other communications were clearly quite slow to travel and gain responses. Arni’s original letter to Magnus only received a response in time for the Althing in the following year, but it was generally favorable. The king recognized the sensitivity and difficulty of the issue and promised his support for the bishop, provided that Arni helped urge the Icelanders to accept *Járnsíða* that summer, since they had only partially accepted it the previous year.²²³ According to the saga,

220. Grímsdóttir, *Árna Saga Biskups*, 14. “Þat váttaði ok Magnús konungur í sínu bréfi at honum var þessi sami Árne kunngr at [mörgun] góðum hlutum, ok því bað hann ok bauð öllum sínum þegnum en hans undirmönnum á Íslandi at þeir tæki hann vel ok sæmiliga ok virði hann ok tignaði í öllum þeim hlutum sem til heyra kristiligri hlýðni, heilagri kirkju til sæmðar svá sem andligum föður.” The word in brackets is from the variation from AM 220 VI fol.

221. Ibid., 26-27. “konungs ok erkibyskups. . . konungur ok erkibyskup.”

222. For the laymen’s reaction, see *ibid.*, 27-28. “Höfðu flestir þá vörn fyrir sér at herra Jóni erkibyskupi mundi ókunnig kirknamál á Íslandi, ok sögðuz eigi trúa mundu at honum muni sýnaz at kalla þær af þeim, ef hann vissi at þeir sem þær gáfu at upphafi skildu ævinlig forræði þeira undir sik ok sína arfa en undan byskupum ok lærðum mönnum”; “Hann [Hrafn Oddsson] sannaði fyrir almunningi at konungrinn vildi eigi samþykkja at bændr væri saklausir bannsettir.” For Arni’s response, see *ibid.*, 28. “En byskup sagði á móti at þat væri fals Hrafns en eigi konungs orð, ok þat vóru frá upphafi kirkjulögin at eigi skyldu leikmenn heldr klerkar varðveita allar kirkjueignir.” “Ritaði Árne byskup til Jóns erkibyskups ok sagði hvar kirkjumálum var komit ok svá hvat þá hindraði ok beiddiz af honum fulltings, ok at hann kenndi honum þær skynsemðir sem kirkjunnar óvinir ok hans yrði fyrir at láta.” “ritaði ok fyrrnefndr Árne byskup til virðuligs herra Magnúss konungs . . . at með sínu konungligu valdi byrgði munn á þessum hennar óvinum ok sínum mótstöðumönnum.”

223. Ibid., 29. “vildi hann fulltingja herra byskupi at fá framkvæmð síns vilja. En sú var konungsins vilja beizla at herra byskup skyldi eggja menn á Íslandi at taka við lögbók hans.”

Arni “responded well to the king’s message and strove with all his heart to accomplish this” and that “at this *thing* the entire law book was accepted which the king had sent out,” except the chapter on inheritance.²²⁴ As promised, King Magnus subsequently hosted all of Iceland’s greatest magnates, who were his own *hirð* men, lawmen, and ombudsmen, and Arni at a trial presided over by Archbishop Jon in Bergen.²²⁵ While the saga implies that the magnates tried to have the king judge the case, Magnus at first tried to avoid the issue and refer the case to the pope. When the archbishop disagreed, he instead appointed two men, one an expert in “the *landslov*” and the other an expert in canon law, to advise in the case and insure a just outcome.²²⁶

The ruling was wholly in Bishop Arni’s favor, with Jon invalidating the magnates’ defence, citing canon law, and pronouncing all “authority and disposition, management and custody” of the *staðr* to be turned over to Arni and his successors “in the name of the Father, and the Son, and Holy Ghost.”²²⁷ Since this was during the height of the alleged falling-out between the bishops and the king over legal jurisdiction, Magnus’ foregoing of any formal role in the trial (even after he is asked by the magnates to judge the case) largely dispels the interpretation that his laws were meant to challenge the church during his reign. The decision was, in effect, deferred to canon law. Similarly, this episode gives context to the declaration in the *landslov* that “the king has worldly dominion over worldly things and the bishop spiritual dominion over spiritual things.”²²⁸ The bishop’s dominion over

224. Grímsdóttir, *Árna Saga Biskups*, 29. “ok bráz hann vel við konungsins sendiboð ok lagði á allan hug at þat fengi framkvæmð. Var ok á þessu þingi lögtekin öll bók sú er konungrinn hafði utan sent nema erfðabálkr var eigi lögtekinn nema tveir kapitular er hit fyrra sumarit var játat.”

225. Ibid., 30, 34. “Vikz hann skjótliga undir konungsins sendiboð ok siglir til Nóregs þetta sumar. Fóru þá af Íslandi margir hinir ríkari menn. . . . Þeim byskupi fórz vel ok tóku Nóreg, ok tók herra Magnús konungr honum með mikilli blíðu”; “skyldi rannsaka ok dæmaz af Jóni erkibyskupi.”

226. Ibid., 34-5. “Magnús konungr var beðinn at sitja hjá dómi þeim, en hann bauð at fá mann til páfa þann er vel kynni at flytja þetta mál fyrir honum [en byskup heldi honum kost; hann neitaði því.] Konungrinn fekk þá Audun, er hestakorn var kallaðr, hinn vísasta mann til landslaga, ok annan, herra Þóri, son Hákonar . . . þann er vel kunni kirkjunnar lög, at heyra af sinni hendi at Sighvatr væri eigi ofsótttr.”

227. The entire case and its follow-up is found in chapters 23 through 25 of the saga. Ibid., 41. “í nafni föður ok sonar ok anda heilags at vald ok skipan, forræði ok varðveizla.”

228. Schulman, *Jónsbók*, 26. “hefir konungr af guði weralligt valld til weralldligrá luta. en biskup anndligt va/lld til

the “spiritual” did not relegate his power to abstract religious notions nor did it designate a distinct “politico-legal apparatus”; instead the law recognized the theology of the day that maintained that the spiritual domain always and everywhere “interpenetrated” the “worldly” (whether property or falcons).

It is probably precisely at this point that Archbishop Jon and King Magnus composed the original “agreement” concerning the rights of the church, the antecedent to the Agreement/Concordat of Tønsberg four years later.²²⁹ As alluded to in the introduction, it is usually here where other historians mark the beginning of the reconciliation between the king and the church over legal jurisdiction, though some argue that the fight continued after Jon departed for the Second Council of Lyon hoping to get a papal endorsement of the agreement.²³⁰ It is doubtful, however, whether such a strict reconciliation was needed, since there is very little evidence for a clash to begin with and, as *Bishop Arni’s saga* shows, the king did not appear to challenge the Archbishop’s authority to adjudicate Christian laws, even after his own men effectively asked him to. The Agreement of Tønsberg, either in the original 1273 version or the later 1277 version, did give evidence of negotiations over competing claims and rights, historical and present (which is a given in any such document).²³¹ There is, however, no evidence beyond this, and we know that Jon was a tough negotiator.²³² What is more likely given these circumstances is that Jon wanted guarantees that the church’s rights and freedom would be protected in the law and by the king, curtailing both the growing power of the aristocracy and

annligra luta.” Translation mine.

229. The trial, according to the saga, was on June 29, while the agreement was promulgated on August 1st. Grímsdóttir, *Árna Saga Biskups*, 34; R. Keyser and P. A. Munch, eds., *Overeenskomst mellem Kongen og Erkebiskoppen i Bergen*. In *Norges gamle Love indtil 1387*, 2:455-61 (Christiania: Grøndahl, 1848), 455. I here prefer agreement over concordat, which is more traditional, because agreement is both a better translation of *compositio* and conveys no connotations from either the Concordat of Worms or the one between the Germany and the Vatican in the 1930s.

230. Sandvik and Sigurðsson, “Laws,” 236-7.

231. See the opening paragraph, R. Keyser and P. A. Munch, eds., *Overeenskomst mellem Kongen og Erkebiskoppen i Tunsberg*. In *Norges gamle Love indtil 1387*, 2:462-80 (Christiania: Grøndahl, 1848), 462-3; Keyser and Munch, *Overeenskomst i Bergen*, 457-8.

232. He was called “the adamant” and later went into exile when the regency council invalidated all of Magnus’ privileges granted to and agreements with the church and started heavily prosecuting churchmen. Sandvik and Sigurðsson, “Laws,” 235.

various abuses latent in customary practices, and he wanted new privileges in order to strengthen the church's financial footing. The Agreements do make it clear that the two of them made the pact and gave up their various claims in order to keep the peace in the kingdom and the king's friendship with the church.²³³

At the same time that Jon was ruling in Arni's favor and he and the king were negotiating church rights and privileges, both the archbishop and Arni were preparing Christian laws of their own. One of the primary intentions of these law compilations, as the archbishop told Arni, was "banning laymen from saying Christian law."²³⁴ This accords precisely with one of the concerns the archbishop raised in the Agreements, namely the concern that the king's lawmen were judging cases of Christian law that they considered acceptable by custom, and which the king accordingly renounced as a valid violation of the church's liberty.²³⁵ Further, while Magnus is normally understood to have opposed these Christian law compilations as co-opting royal authority, again without any clear indication of this, both of the Christian laws compiled by the bishops appear to have been drawn up as part of the agreements with the king and required his approval.²³⁶ While it appears only in one manuscript (attached to the *landslov*), Jon's Christian law begins by saying: "Here begins the Christian law book which King Magnus and Archbishop Jon drew up and all the other bishops in the land agreed to

233. See the opening two paragraphs of Keyser and Munch, *Overeenskomst i Tunsberg*, 462-3; Keyser and Munch, *Overeenskomst i Bergen*, 457-8.

234. Grímsdóttir, *Árna Saga Biskups*, 32. "var svá ok at hann bannaði leikmönnum at segja lög um kristin rétt." See also 94, where Arni states that this was the essence of the Agreement of Tønsberg.

235. Keyser and Munch, *Overeenskomst i Bergen*, 457. "quia cause fere omnes ad ecclesiam pertinentes per exactores et balivos laicos ex parte regni secundum leges patrie scriptas vel consuetudines pretermisiss iure canonico et ecclesiasticis iudiciis tractabantur."

236. Haraldur Bernharðsson, Magnús Lyngdal Magnússon, and Már Jónsson, eds., *Járnsíða og Kristinréttur Árna Þorlákssonar* (Reykjavík: Sögufélag, 2005), 154-5. Grímsdóttir, *Árna Saga Biskups*, Ch. 32. "Þetta sumar . . . var lögtekin hinn nýi kristindómsbálkr utan fá capitula þá sem menn vildu eigi samþykkja fyrum, en herra Magnús konungr ok Jón erkibyskup gjörði þat statt hversu þau skyldi standa svá sem þeir vóru beðnir af almúganum." Grímsdóttir's view here is more properly nuanced, leaving the question open about whether Magnus ever consented to Jon's Christian laws; see note 1 on page 32.

with unanimous confirmation.”²³⁷ When Magnus did object to the passage of Arni’s Christian law at the Althing it was only because the final agreement with Jon, which concerned several parts of the book, was not yet finalized and Arni’s magnate rivals had misrepresented the situation to him.²³⁸ Moreover, this was only his initial reaction and he later sent two agents to assess the situation, partially confirmed the new laws, and, after Arni appealed to him, eventually brought Arni to Bergen to discover the truth.²³⁹ Unfortunately for Arni, he died unexpectedly before a final settlement was reached, with the saga lamenting: “But where could Bishop Arni now seek help when King Magnus had passed away and could not . . . acquit him?”²⁴⁰ The overall picture of Magnus here and throughout the saga is that he was distinctly “mild” and constantly trying to balance competing claims in order to keep the peace from breaking apart.²⁴¹ This was the very same mildness that had allowed the king to become friends and make peace with Sturla Þórðarson, previously one of his father’s greatest enemies.²⁴² While his attempts to keep the peace may have annoyed Archbishop Jon when it meant the king’s men were encroaching on church rights, Arni was keen to point out that Magnus would have sided with the church, and its new law books, in the end.²⁴³

Having established that the “dispute” between the bishop and the king has no firm source

237. Keyser and Munch, *Nyere Christenret*, 341. “Her hæfr upp kristins doms balk þæn er skipaðe Magnus konungr oc Jon ærchibyskup oc aller aðrer lioðbyskuper i landeno samþykту með fulkominne staðfæstu.”

238. Grímsdóttir, *Árna Saga Biskups*, Chs. 38, 44. See especially page 55, where the saga calls this malicious misrepresentation “þessum misþykkðar hárum væri kastat í augu skynsams höfðingja”: “hairs of discord” that “were thrown into the eye of the wise ruler.”

239. *Ibid.*, Chs. 42-45 (initial reaction), 52-54 (exchange of letters).

240. *Ibid.*, 78, “En hvar hefði nú Árne byskup fulltings at leita er Magnús konungr var liðinn ok mætti eigi þetta ámæli bera af Árna byskupi.”

241. *Ibid.*, 101. “mildi Magnús konungr.”

242. This story is related in the second part of the *Saga of Sturla Þórðarson*, see Julia H. McGrew, trans., “The Saga of Sturla Þórðarson,” in *Sturlunga Saga: Shorter Sagas of the Icelanders* (New York: Twayne Publishers, Inc., 1974), 493-98.

243. Grímsdóttir, *Árna Saga Biskups*, Chs. 53, 55. See especially page 78: “[Magnús konungr] vissi at með því hafði hann um lítinn tíma eigi fram haldit kirkjunnar rétti at hann trúði fyrir þessar sínar biðstundir at hon mundi á lengdar fagna mega fremra rétti”; “King Magnus was the one who knew that he [Arni] had not held fast to the church’s legal rights for a little while because he trusted that [the church] would, by his waiting, be able to receive more rights in the future.” Consider, in contrast, Sunde’s assertion that “the Church had now been worsted and the jurisdiction of the king expanded” by Magnus. 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,” 141.

basis and actually corresponded closely with the image of the king as the keeper of the peace found in the *King's Mirror*, it is now possible to consider Arni's refusal to accept *Jónsbók* and his dispute with Lodin.²⁴⁴ The first thing that should be remembered here, however, is that King Magnus had died the year before the dispute broke out and several months before the arrival of the book in Iceland. Accordingly, though there is no way of finding out, it is possible that the regency council of the young King Eirik edited *Jónsbók*, possibly including many of the parts of it Arni objected to. This does, in fact, accord with the viewpoint of *Bishop Arni's saga*, which never ascribes *Jónsbók* to Magnus even though his name is the very first word in the text, instead setting up Lodin as yet another royal representative who unjustly carried out his job. Lodin was himself primarily a representative of the regency council and likely held the anti-clerical views of its members.

The saga lists twenty-six objections raised by Arni and the clergy and eleven from the farmers which they wrote on parchment and submitted at the Althing. The farmers, who were the main target of Lodin's initial anger, objected primarily that too many punishments were too severe, while Arni objected to what he saw as violations of "God's law" (meaning either canon law or divine/natural law), thereby violating the decree of 1253 that the *landslov* would be subordinate to it.²⁴⁵ The church's list of objections, however, were mostly particulars about all manners of things, including falcons, property, and hunting, and the main objections appear to be absent from any extant manuscript of the law book, such as that there was to be a single, royal lawman presiding over both royal and church law. Considering that this violated the Agreement of Tønsberg and is absent from the *landslov*, these are quite possibly anomalies added by some of the magnates after

244. The entire story takes place in chapters 61 through 65 in *Árna saga Byskups*.

245. "Guðs lögum." For the list of objections, see Grímsdóttir, *Árna Saga Biskups*, Ch. 62. For Arni's citation of Magnus and the Archbishop's guarantees, see 96. For an example of the book itself setting up God's law as in tandem with the law of the land, see Schulman, *Jónsbók*, 94-7.

Magnus' death, which was essentially Arni's argument. In the end Arni refused to accept the book as a whole, claiming it subordinated God's law to human laws (which became the rallying cry against the anti-clerical actions of the regency), Lodin in turn declared that the bishops were stepping on the kings' rights (the rallying cry of the magnates), and the farmers eventually accepted the book, excepting Arni's objections which must be settled by the archbishop and the king.²⁴⁶ These opposing arguments between rival factions clearly show that King Magnus' death had removed the one man who was able to keep the peace between the diverse interests and rights of the kingdom, though even Lodin later calmed down enough to negotiate a settlement with Arni.²⁴⁷

The overall picture of King Magnus provided by *Bishop Arni's saga* is that he, fulfilling the role of the just Christian *rex*, kept the kingdom's peace intact only for it to shatter following his death. Not long after Lodin and Arni's confrontation the nobility overturned the Agreement of Tønsberg (despite its perpetual nature), emended the *landslöv* against the church, and began prosecuting clerics in their own interests.²⁴⁸ Jon in turn excommunicated a large group of the nobility and was forcibly exiled. Throughout all of these events and contests, the church constantly seems to have looked to the maturing King Eirik, as it had with Magnus, for its defence.

The Change in the "First Law"

Now that the theological mode for understanding the past and legal reforms that shaped Norway's past has been covered, the emerging idea of a just, peace-keeping king has been considered,

246. Ibid. For Arni, see 95: "at þar á greinir Guðs lög ok landslög ráði jafnan Guðs lög eptir því sem löngu var lögtekit hér í lögréttu yfir allt vart land með góðu samþykki allra landsmanna." For Lodin, see 96: "ok hvergi kom ek þar til lands né lagar at svá sé nokkors konungs réttindi undir fótum troðin sem hér, ok þó mest af byskupum." For the farmers, see 96: "lögbók var öll lögtekin, utan þá kapitula sem handgengnir menn vildu at stæði til órskurður konungs ok erkibyskups."

247. See Grímsdóttir, *Árna Saga Biskups*, Ch. 65. Especially: "herra Loðinn lét þá ok sannat at hann hefði ofbráðliga talat."

248. Lodin even explicitly foreshadows this when he rejects the Agreement of Tønsberg, Archbishop Jon's letter, the new Christian law, and the principle that God's law trumps the law of the land, see *ibid.*, 96.

and the actual historical background of Magnus' new laws and their relationship with Christian law has been rewritten, it only remains for all of these pieces to come together to form a new proposed interpretation of the *landslov* itself. The *landslov* represents, first and foremost, an application of exegesis and the moral/tropological sense to the old laws of Norway and Iceland. The new laws were Magnus' primary effort to enact his self-understood role as the guardian of the peace and justice of the kingdom and to encourage a harmonious society of various classes of free men founded on the Christian faith and sacramental grace. In contrast to the externally-focused prohibitions and regulations found in the Christian laws of *Grágás* and the *Gulathinglaw*, the laws of Magnus the Lawmender primarily exhorted the people to keep the faith and act charitably. While *Járnsíða*, the *landslov*, and *Jónsbók* continued to profess Christianity as the foundation of the law, they did so in a fundamentally different way than the earlier law books, emphasizing Christian belief over external membership in the church. In place of sophisticated controls over baptism and practice, the new laws outlined a specific creed; in place of external adherence they professed personal belief; in place of God's judgment they spoke of God's mercy; in place of the simple opening lines they interspersed the law with prayers. These new laws, in contrast to the emphasis given to correcting corrupt natural law found in the old laws, focused on moral edification as the basis for personal rights, a free society, a fuller justice.

All of the Norwegian and Icelandic law books discussed in this essay begin with the same phrase, but the slight changes in the phrasing of the later books indicate the new perception of Christianity in the law. Each book starts with “Þat er vpphaf laga vara,” which can signify either that what follows is the first law or that what follows is literally the starting point or beginning of the laws that follow.²⁴⁹ Continuing on, the texts of the earlier and later law books begin to diverge subtly.

249. Schulman translates it as “that is the beginning of our laws” and Meissner “this is the beginning of our laws”

Whereas *Grágás* states that “all men shall be Christian in this land,” Magnus’ law books say that “we shall have and hold fast the Christian faith.”²⁵⁰ Two differences are of particular note here: the shift from the third person to the first person and the shift from “be” to “have and hold.” The use of “we” makes the declaration personal and indicates common consent. Rather than it being commanded of “all men,” the faith is instead affirmed by all those men together. This is particularly ironic considering that *Grágás* was created under the Icelandic commonwealth, that is, by the assembly of freemen, whereas the new laws were independently formulated by the king along with his counselors.²⁵¹ Even though the law was now, ultimately, dictated by the king, the laws emphasized that the faith was not something externally imposed, but something commonly professed by everyone. Hence it was something they “have and hold,” something they believed, rather than something they were. Even the shift from being “Christian” to having the “Christian faith” or “Christian belief” emphasized this fact: that everyone confessed belief rather than adhering to only the external reality of belonging to the church.²⁵² This development is a pointed contrast to Anders Winroth’s statement cited earlier that during conversion nobody really worried about belief. By keeping the same basic form but changing the words, Magnus emphasized Christian piety and belief as the basis for the law, not simply Christian religion. Proper belief was now imperative for moral society. Indeed, holding the Christian faith was not said to be just the beginning of the law any more, but the “the basis and beginning of all good

(translated from German), whereas Dennis et al, much like Larson, translate it as “it is the first precept of our laws.” Schulman, *Jónsbók*, 25; Meissner, *Landrecht*, 33; Dennis, Foote, and Perkins, *Laws of Early Iceland 1*, 23. For the original see: Finsen, *Gragas Konungsbók*, 3; Keyser and Munch, *Gulathings-Lov*, 3; Keyser and Munch, *Nyere Gulathings Christenret*, 306; Sveinbjörnsson, *Járnsida*, 10; Keyser and Munch, *Den nyere landslov*, 22; Meissner, *Stadtrecht*, 24; Schulman, *Jónsbók*, 24.

250. Finsen, *Gragas Konungsbók*, 3. “at allir menn scolo kristnir vera a landi her.” Keyser and Munch, *Nyere Gulathings Christenret*, 306; Sveinbjörnsson, *Járnsida*, 10; Keyser and Munch, *Den nyere landslov*, 22; Meissner, *Stadtrecht*, 24; Schulman, *Jónsbók*, 24. “wer skulum hafa oc hallda kristiliga tru.” Translations mine.

251. Though I use the word “commonwealth” here this should not be conflated to mean that Iceland in the early medieval period was democratic. Schulman, *Jónsbók*, 2-3.

252. The word *trúa* can be equally translated as “faith,” “good faith,” or “belief.”

works” and the “beginning of all good things.”²⁵³

Lex Orandi, Lex Credendi

Since the opening line of the new law books emphasized the beliefs of the community over the fact that everyone must be baptized, it is no surprise that *Járnsíða*, the *landslov*, *Jónsbók*, and the other supplemental law books all immediately continue from the opening line with a version of the Christian creed.²⁵⁴ The creed, however, was not a standard creed such as the Nicene or Apostle’s creeds. Instead, it was an original version combining elements of both the standard creeds with elements of the creed published by the Fourth Lateran Council and some original elements of its own. Notably, the creed used “we,” a continuation from the opening line, instead of the usual “I” from the ancient creeds, perhaps an idea taken from Lateran IV.²⁵⁵ Regardless, it once more emphasized that the creed was a common declaration of belief, one professed by the kingdom as a whole, whether in Norway or out in the north Atlantic islands.

The creed in the new laws, in contrast to the legalism of the earlier church laws, also emphasized the content of the faith. Rather than a laundry-list of rules to abide by, the law now outlined what everyone believed, an internal matter. This included an emphasis on the triune nature of God, the two natures of Christ, liturgical time, the communion of the Christian people, repentance and penance, the mass, prayers, alms-giving, and final judgment.²⁵⁶ Like the creeds normally heard in the liturgy, this creed was a vocal and written manifestation of the Christian worldview and this

253. Schulman, *Jónsbók*, 2-3, 24-25.

254. The creed is found on the following pages: Keyser and Munch, *Nyere Gulathings Christenret*, 306-7; Sveinbjörnsson, *Járnsíða*, 10-12; Keyser and Munch, *Den nyere landslov*, 22-23; Meissner, *Stadtrecht*, 24-27; Schulman, *Jónsbók*, 24-27.

255. See J. Alberigo et al., eds., “Concilium Lateranense IV a. 1215,” in *Conciliorum Oecumenicorum Decreta* (1973), 230.

256. See Appendix B for a complete copy of the creed alongside the Apostle’s Creed. Keyser and Munch, *Den nyere landslov*, 22-23; Sveinbjörnsson, *Járnsíða*, 10-12; Schulman, *Jónsbók*, 24-27.

specially-crafted version further emphasized the sacraments and the prayers that tied the church on earth with heaven. The emphasis on actions, such as fasting, communion, and almsgiving, also created a sense that this was a creed that was not simply believed, but a faith that was lived. In this sense the creed emphasized that the subjects of the law had largely perfected their wills in virtue and had transformed “the lifeless faith proper to the Old into the living faith of the New” in friendship with God.²⁵⁷ The Christian faith professed in the opening part of the new laws could, in this sense, be called “tropological.” The profession of faith by the Norwegians and Icelanders stressed living the moral life rather than fulfilling the letter of the law as the old laws had demanded. After all, perfection in charity entailed fulfilling the precepts of the law and went beyond them, surpassing and superseding all requirements. Rather than emphasizing literal adherence to Christianity through the law, it emphasized the internalization of faith, primarily sacramentally.

Moving beyond the opening section of Magnus’ law books, the faith was clearly lived out and was to be expressed in the law itself through prayer. The Norwegian creed is itself a prayer and the laws in general have prayers scattered throughout. These take two essential forms: petitions for grace (found in the opening and closing pages of the book) and interjections emphasizing the severity of an offense (interspersed in the laws). In his opening letter Magnus pointedly humbled himself as lacking the knowledge to produce the law books himself before declaring his reliance on the mercy of Jesus Christ and the intercession of Mary and St Olaf the King.²⁵⁸ This became a theme throughout each of the books: reliance on God in order to overcome the limits of the law and human judges.²⁵⁹

Magnus also added a short prayer when discussing “unatonable crimes,” including dishonorable killing

257. Jones, *Before Church and State: A Study of Social Order in the Sacramental Kingdom of St. Louis IX*, 416-17.

258. Schulman, *Jónsbók*, 2; Keyser and Munch, *Den nyere landslov*, 8. Starting here I primarily cite *Jónsbók* since this is the handiest, most recent edition and not typeset in Blackletter, but, as before, the points discussed are commonly true of all of the new laws with occasional exception of the shorter books or with slight textual emendations.

259. See the following section’s discussion about judgments as well as “the king’s oath” Schulman, *Jónsbók*, 457.

and suicide.²⁶⁰ Here Magnus stressed the heinous nature of these forms of killing by interjecting a plea that “God forbid anyone does” them.²⁶¹ The law also describes uncharitable care for the poor, leading to their death, as something “which God let no one do.”²⁶²

Perhaps the most important prayers placed inside the law books are the opening and closing prayers. These were placed, respectively, immediately after the letter addressing the *thing* and in the final paragraph of the original law book.²⁶³ Aside from the creed, these were by far the longest prayers placed in the law and serve to sandwich the entire corpus of legislation:

May the peace and blessing of Our Lord Jesus Christ, the intercession of the holy lady Mary and the holy king Óláfr and the holy Bishop Þorlákr and all the saints be with us—with us who are members of the General Assembly—now and forever.²⁶⁴

Let Jesus Christ allow us to use this book in such a way that it honors Him, for the salvation of and reward for the one who had it made, and for all those who are beholden to him, for the sake of the worldly prosperity and eternal joy of all of us. May the blessing and protection of the Father and Son and Holy Ghost, one God in the Holy Trinity, and the intercession of the holy lady Mary and of the holy king Óláfr be with us now and forever. / God let us healthy part and so meet again.²⁶⁵

Here again there is a plea for the blessing of God and the intercession of Mary and St Olaf and an emphasis on both the reliance of human judges, those who “use this book,” and the whole of the kingdom on heavenly aid. The closing prayer also included a petition directed specifically at Magnus (“the one who had it made”). This underscored the fact that all these prayers, though written by the king and his counselors, were not spoken by him in the text, but by the whole assembly. Importantly, these prayers were not simply written, but were almost definitely recited outloud at the *thing*.²⁶⁶ Like the creed, they were instances of the whole of the kingdom asking for God’s aid and justice together.

260. Schulman, *Jónsbók*, 40-43.

261. *Ibid.*, 43.

262. *Ibid.*, 141.

263. *Ibid.*, 6-7, 396-7.

264. *Ibid.*, 7.

265. *Ibid.*, 397.

266. See *ibid.*, 397, note 231.

Lex Vivendi, Lex Aedificandi: Mercy, Penance, and Charity in the New Laws

The requests for God's aid in promoting justice through prayer also revealed a shift towards mercy and penance in the laws rather than judgment and death. Whereas the old laws in *Grágás* and the *Gulathinglaw* had repeatedly warned offenders of God's judgment, the new laws primarily warned the judges themselves of future judgment and, even more, implored them to be merciful. This is clearest in "the chapter on judgments," a portion of the law directly addressed to judges.²⁶⁷ The judges mentioned in this section refer implicitly to the new system of courts and appeals that sought to curtail the tradition of vengeance and arbitration as a form of law and to render the most just judgments before God.²⁶⁸ This new idea of justice sought to supplant the tit-for-tat "equivalence" found in the old laws with a sound, sophisticated legal reasoning.²⁶⁹ Accordingly, in this chapter Magnus spoke of "the four sisters" who were necessary for all legal decisions "if they [the court] wish to please God and benefit man": "Mercy and Truth, Justice and Peace."²⁷⁰ This is a concept taken directly from Psalm 84:11 and the *King's Mirror*.²⁷¹

The judges were here instructed to keep the four sisters in mind and weigh each one's attributes equally as they evaluated the crimes and "temper the judgment according to the circumstances of the case" and to not focus too strictly on the letter of the law.²⁷² They were warned repeatedly about the consequences of failing to stay on the "very narrow middle ground" where all things were prop-

267. Schulman, *Jónsbók*, 60-65; Keyser and Munch, *Den nyere landslov*, 62-63. The texts here diverged quite a bit, but the essence remains the same.

268. 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," 153.

269. *Ibid.*, 168.

270. Schulman, *Jónsbók*, 63.

271. Larson, *The King's Mirror*, 257; Weber et al., *Biblia Sacra Iuxta Vulgatam Versionem*, Psalm 84:11. "Misericordia et veritas obviaverunt sibi: iustitia et pax osculatae sunt."

272. Schulman, *Jónsbók*, 63; Keyser and Munch, *Den nyere landslov*, 62; Bagge, *From Viking Stronghold to Christian Kingdom*, 205.

erly balanced.²⁷³ Specifically, Magnus reminded them of the harsh punishments God had dealt out and would deal out to those who judged too mildly and, even more, on those who were too harsh or corrupted justice through favoritism or bribery.²⁷⁴ Lest they forget the danger to their souls, and in order to emphasize the necessity of declaring what their conscience believes is just before God, Magnus even instructed judges to read the section on judgments before they judged weighty cases.²⁷⁵ While the new laws still occasionally stressed the punishment and judgment to be given to wrongdoers, especially at the end of time, they were just as likely to stress the need for mercy and reminded judges that they too would be judged. It should also be noted explicitly that this was the chapter many of the magnates who served as judges and royal agents in Norway and who later edited the law to their advantage after the king's death, were supposed to read.

The shift towards deemphasizing temporal judgment and emphasizing mercy and the ramifications of bad human judgments is indicative of one final theme in Magnus' laws: that these were laws for a truly Christian people bound together by charity. Beyond professing the Christian faith and petitioning God for aid, the people the law was given to were expected to act with Christian morality. When capital punishment was the sentence for a criminal, Magnus made it clear that a priest had to be brought so that he could have confession and last rites.²⁷⁶ This, he stated specifically, was because Christians should "hate the evil deeds, but love the person because of his humanity, and love the soul above all as his fellow Christian."²⁷⁷ The brotherhood between the rich and the poor was further emphasized in two places, one concerning aid of the indigent and another admonishing those who are richly clothed while others freeze to death.²⁷⁸ He was careful here to emphasize that "an

273. Schulman, *Jónsbók*, 63.

274. *Ibid.*, 62-63.

275. *Ibid.*, 62-65.

276. *Ibid.*, 64-65.

277. *Ibid.*, 65.

278. *Ibid.*, 142-3, 152-3.

indigent man needs God's help just as the one who has more does" and even cautioned that anyone who neglected to help the poor ought to go to confession "because he would not help a Christian man."²⁷⁹ Comments like these, though stern, were not legal commands as much as admonishments towards those who failed to be charitable.

According to Christian theologians, canon lawyers, and the common orthodoxy of the Central Middle Ages, when charity failed Christians fell back under the sway of the law of sin and, consequently, the Old Law, the law of the sword.²⁸⁰ This idea also formed part of the image of the ideal king as a guardian of the church, the law, and the kingdom found in the *King's Mirror*, with the monarch wielding both the sword and the staff for the punishment of immoral or illegal acts that contravened the peaceful order. It therefore comes as no surprise that the same understanding of the necessity to punish those who fail in charity and who, therefore, undermine the peace, is spread throughout the various sections of the *landslov*. In fact, it is possible to read the entire law book as dictating the contraventions of custom, human law, and divine law that placed the subject outside of charity and the peace and, therefore, merited scrutiny and just punishment or rehabilitation.²⁸¹

In the section concerning the maintenance of dependents, failure to help the poor move about and find shelter, if it led to their death, made a man liable for paying compensation as if he had killed them. Magnus justified this as a response to a deed "which God let no one do."²⁸² Additionally, those who provided charitable hospitality could not later demand compensation for their actions; instead they had to be content that God would reward them.²⁸³ When discussing oaths in the chapter about theft, Magnus warned everyone hearing the law that "God Himself is truth" and,

279. Schulman, *Jónsbók*, 141, 143.

280. Jones, *Before Church and State: A Study of Social Order in the Sacramental Kingdom of St. Louis IX*, 48, 156, 418.

281. This is most clearly indicated in Magnus' prefatory letter, see Schulman, *Jónsbók*, 2-7.

282. *Ibid.*, 141.

283. *Ibid.*, 138-9.

alluding directly to the Gospel of Matthew 5:37, stated that God “wants that every man according to the truth say ‘yes’ when ‘yes’ is required, but according to the truth ‘no’ when ‘no’ is required.”²⁸⁴ He then went on to lament that human weakness and sin meant that most people will not take oaths, and many people cannot be taken, at their word. As such, oaths were required, backed up by “truth in clear conscience,” reason, and justice, lacking which the oath was false and a mortal sin. If an oath was false, Magnus instructs: “Let him go to confession.”²⁸⁵ When outlining the law of trade, Magnus also decreed that “every man is required to help his fellow Christians out on fair terms”; hence the law regulated the lending of money and livestock and would defend against those who were greedy.²⁸⁶ The entire chapter on personal inviolability defines itself as “concerning the peace” and, consequently, indicating what constitutes violations of the rights belonging to all the various and diverse classes of people in the realm which constitute that peace.²⁸⁷ As Magnus stated expressly in his prefatory letter, this chapter was meant to instruct the “chieftains and all other men . . . to observe God’s truce and the freedom of good men among Christian men” and had as its premise that it was meet and just “to punish in accordance with the law those who are convicted of acting otherwise, though temperately, according to the circumstances of each case.”²⁸⁸ The New Law of charity among Christians expected them to work and live in peace, to love their neighbor and to love justice and truth, and was based on the belief in a metaphysical peace, but the laws of the land remained ready to coerce through punishment those who violated the kingdom’s Christian co-inherence through sin.

The best summary of the new Christian foundation for the law, namely holding the Christian faith and abiding in the law of Christ, is found in the section of the Christian laws where Magnus

284. Schulman, *Jónsbók*, 358-9.

285. *Ibid.*

286. *Ibid.*, 317. A similar theme is also found in the discussion about the debts of indigent men, see 304-5.

287. *Ibid.*, 32. “vm frid.” Translation mine.

288. *Ibid.*, 5.

delineated “the dominions and commissions of the king and the bishop.”²⁸⁹ Beginning by reminding the audience of God’s mercy, Magnus then stated that the king and the bishops together were charged as God’s “*vmboðs menn*,” his “commissioned men” or “stewards,” to defend good men and to punish and purge the wicked.²⁹⁰ This word corresponds closely with the “steward” (*sylu*) found in the *King’s Mirror*, notably making the king and the bishop the ministers of God just as the king and the bishop themselves administer their provinces through their own *vmboðs menn* and just as the people themselves have a commission and responsibility according to the law to uphold the peace.²⁹¹ As such, Magnus warned the people directly that failing to support them “with perfect love and justice” left them in peril.²⁹² In other words, the people’s *vmboð*, their commission, was to support the kings’ men’s *vmboð* which was to support the king and bishop’s *vmboð* which was from God, via Pauline theology. It is especially noteworthy that the structure of the kingdom, backed by theology, is based upon this word, which has an inherently legal connotation, representing a transfer of power or a commission, whether to a lawyer or to a guardian or to a vicar.²⁹³ In his saga King Hakon even called God and St Olaf as his *vmboðs menn* who would answer for his royal descent.²⁹⁴ Consequently, rather than a hierarchical pyramid, the kingdom is ordered like a fractal, like a Gothic church, with power and commissions transferred and reflected downward following the same pattern and bearing the same

289. The normal rendering, as found in Ms AM 351 fol. (the standard text of *Jónsbók*) and Holm perg 34 4to (the standard text of the Frostathing version of the *landslov*) is simply “vm vald konongs oc biscops” (Holm perg 34 4to spelling). In this case, however, I cite AM 302 fol, 7r., the Gulathing *landslov*, due to its significant and early variation: “vm vald oc umbod konongs oc biscops.” See <http://clarino.uib.no/menota/document-element> and <https://handrit.is/en/manuscript/view/da/AM02-0302>. Translation mine.

290. This is also the root of the English word ombudsman, which is another possible translation. Schulman, *Jónsbók*, 26; Keyser and Munch, *Den nyere landslov*, 23. Cf. Keyser and Munch, *Nyere Gulathing Christenret*, 307; Gudbrand Vigfusson, ed., *Hakonar Saga, and a Fragment of Magnus Saga, with Appendices*, Icelandic Sagas and other Historical Documents relating to the Settlements and Descents of the Northmen on the British isles (London: Eyre & Spottiswoode, 1887), 2:175.

291. Ombudsman is, however, much more personal than *sylu*, which more generally designates “work.” Brenner, *Speculum Regale*, 205. For a different example of an *vmboð*, that of a freeman for a minor, see Schulman, *Jónsbók*, 34.

292. *Ibid.*, 27.

293. At various times the connotation appears to be that an *vmboðsmaðr* is the equivalent of *vicarius* in Latin.

294. Vigfusson, *Hakonar Saga, and a Fragment of Magnus Saga, with Appendices*, 12.

responsibilities to follow the sacred law.²⁹⁵ This metaphysic of order really drives at the heart of the vision of law and society articulated in the *King's Mirror*, *Járnsiða*, the *landslov*, and *Jónsbók*: Norway was to be a kingdom bound together by love, justice, and charity and, when these failed, penance, mercy, or punishment were required to bring order back and restore the peace.

295. Cf. Andrew Willard Jones, "The Liturgical Cosmos: The Worldview of the High Middle Ages," Lecture series presented for the 800th Anniversary of Lateran IV, <https://www.youtube.com/watch?v=GpdD6a-TYss>.

CONCLUSION

King Magnus' new laws, the *King's Mirror*, and *Bishop Arni's saga* all present a shared picture of the role of the king, the bishops, law, and faith in the Kingdom of Norway. Before the Central Middle Ages it was common for the *regnum* to be depicted and to depict itself in the old classical mode largely inherited and vaguely Christianized as a sort of restraining virtue or violence, backed by reason, over the animalistic and tribalistic elements of the chaotic world. Magnus' depiction of kingship in law is clearly of the newer, more Christianized sort, the sort which largely replaced the old model of rule with the belief that charity and peace and Christian justice and mercy, supplied and buttressed by grace, could really be both ontologically prior to and provide the basis for law. This idea predominates despite the fact that this peace was frequently disrupted by sin and violence and required a substantial body of law to coerce the uncharitable and/or non-Christian back into peaceful and lawful order. This order was presided over equally by God's *vmbod's menn* or ombudsmen, the king and the bishop, who ruled through their own ombudsmen, and was protected by the two swords. In this Magnus accepted the principle of law espoused in the New Testament and so clearly articulated by Alfred earlier: the "law of Christ" and mercy really could overcome both pagan violence and ancient legal custom.²⁹⁶ And yet, Magnus went further. The new law books manifest clearly St Paul's teaching that the law, Jewish or gentile or Caesar's sword, were incapable of saving us and that, ultimately, God's grace was required to

296. For a simplified comparison of the historical/theological understanding that underpins the histories discussed in Chapter 1, the law books, and other ideas discussed in this thesis, see Appendix C.

fulfil the requirements of the law, human and divine. This, yet again, emphasized the essential nature of the Christian faith to the laws and power of the Kingdom of Norway. More fundamentally, the laws of Magnus, along with *Bishop Arni's saga* and the histories discussed throughout the preceding chapters, were written and operated within the “sacramental” understanding of the world described by Andrew Willard Jones in his account of France in the same era. In this world “the material and spiritual were everywhere and always present together. The spiritual power was the power of the priests to dispense the grace that sustained society in charity and they wielded the spiritual sword of excommunication against the mortal sinner. The temporal power was the power of laymen to organize the world of things and events, and they wielded the temporal sword against the violent.”²⁹⁷

To reflect further on this shared view of the world, it is helpful to return to *Bishop Arni's saga* where the author presented a very personal moment in King Magnus' life. This brief interlude stands out compared with the usually more distant repetition of letters and narration of deeds and travels. Immediately following the chapters narrating the conflict between Bishop Arni and Lodin Lepp, the saga includes two chapters lamenting the death of the king. These chapters act as a transition between the trouble already begun by Lodin and soon to deepen as the enemies of the church grew more and more ambitious and King Eirik, through immaturity or sin, was unable to restrain them and keep the peace until the closing years of his reign.

The account begins by implicitly noting the return of sinful men from hiding that followed Magnus' death: “After this there floated up to the surface many learned men who were filled with hatred, those who had kept silent from impotence more than from goodwill while the mild King Magnus, true father of the nation and honor of the clergy, lived.”²⁹⁸ This, the author tells us, had

297. Jones, *Before Church and State: A Study of Social Order in the Sacramental Kingdom of St. Louis IX*, 5.

298. Grímsdóttir, *Árna Saga Biskups*, 101. “Eptir þetta flotnuðu upp margir öfundarmenn lærdómsins þeir sem sinn munn höfðu byrgðan sakir vanmáttar meir en góðvila meðan sannr faðir fóstrjarðarinnar lifði ok sæmð klerkanna, hinn

been predicted by the king himself while he lived:

Then came about that prophecy which he had spoken a few winters before his death, when he sat with a few men in an inn. He began to speak thus, saying that this life was not free and came with many sorts of vexations and difficulties and they were blessed who would die. But those who were present and who had nothing before their eyes except his quiet manner of life and grace, his peace and happiness, seemed unable to understand why he would speak so. They asked him why he said that.

He said: "It may be that you think that I have few troubles or problems in my kingdom, but they seem to me to be many and big. And, though it is a big and complex problem to rule a large kingdom with moderation, it seems most important to me to restrain the disagreements on [who makes] judgments between the clergy and the laymen so that there will be no major divisions in the kingdom." But those who were speaking with him said: "It seems to us that this does not create a great problem for you." He said: "It seems to me so great a problem that the people would be happier dead than living. Then you will know what I have had to struggle with," he said, stroking his brow, "when this skull has been in the earth three winters."²⁹⁹

This portrayal of the king as a peace-keeping moderator of rival interests for the sake of justice and peace, tired of mitigating quarrels and trying to maintain the peace and rule justly, is then summed up in the saga's lament for the altered order of things a few chapters later. It begins by recording that no news came from Norway that year except that the country was poorly run and ends by recounting the efforts of Archbishop Jon to heal the spiritually "sick" men of the regency council who were only prosecuting cases in their own interest. Amidst these two observations, it states this

was understandable because of the extinguishing of such a bright lamp for the country, as King Magnus had been, the inspiring exemplar who had shown a true demonstration of sincere goodwill, who, in his days, was almost aflame on account of the burning of two different kinds of love: of God himself and of his fellow men. And in his place, his son, a child, had come to the

mildi Magnús konungr."

299. Grímsdóttir, *Árna Saga Biskups*, 101. "Kom þá fram þat spámæli, er hann talaði nokkorum vetrum fyrir sitt andlát þá er hann sat með fám mönnum í einu herbergi, ok tók svá til orðs at þetta líf væri órfrjálst ok með margháttuðum skapraunum ok erfiðligum ok þeir væri sælir er deyja skyldi. En þeir sem hjá vóru ok eigi litu á annat en hóglífi ok náðir, frið ok farsælu hans, þóttuz eigi skilja hví hann mælti slíkt; spurðu hvar fyrir hann talaði þetta. // Hann segir: 'Má vera yðr þykki sem ek hafi litlar mæður eðr vanda í mínu ríki, en mér þykkir margar vera ok miklar. En þó at mikill ok margr vandi sé at stýra með hófsemð miklu ríki, þá lítz mér sá hæstr at temprá dómagreinar á milli lærdómsins ok liekmanna svá at eigi verði stór missmíði á.' En þeir sem við hann töluðu mæltu: 'Svá lítz oss sem sá verði yðr eigi mikill.' Hann sagði: 'Svá mikill þykki mér hann at sælli væri liðnir en lifendr. Þá munu þér vita í hverju ek hefi staðit,' - ok strauk um ennitt, - 'er sjá haussinn hefir í moldu verit þrjá vetr.'" *Hann segir* is actually in the present tense, following the Old Norse practice of switching tense for dramatic effect, but I here translated it as past in order for it to make sense to the reader.

throne, and he had not yet tasted how sweet the truth was, like his father had.³⁰⁰

Thus the king was a luminary, almost in a saintly fashion, who inspired his people to be charitable through his own burning love for God and his neighbors and his struggle for peace. The king, like his laws, ultimately sought to promote a society founded on charity, a kingdom of co-inherence. The Christian theology promoted by the laws of Magnus the Lawmender asserted that primordially, in the historical unfolding of the Old and the New Testaments, the sword and divine grace always existed together and were only completed in the New Jerusalem; truly and completely, in Christ, the divine and the human, the spiritual and the material, existed in complete harmony; temporally, the bishop and the king ruled over the spiritual and worldly aspects of the church in tandem; ultimately, with the people and the law justly ordered to divine grace and mercy through the rule of the king and the bishop, a society of charity could emerge.

300. Grímsdóttir, *Árna Saga Biskups*, 105. “var at slokknuðum svá björtum landsins lampa sem var Magnús konungr, þeim sem sanna raun sanns góðvila sýndi at um sína daga var mjök í loga af eldi tvennrar elsku sjálfs Goðs ok sinna náunga, en í hans stað væri kominn son hans, sá er barn var at aldri, ok eigi hafði jafnframt sínum föður kennt hve sætr sannleikrinn var.” The sense of *lampi* is hard to translate precisely, designating a man who illuminates like a lamp through holiness or moral worth, inspiring others by his example.

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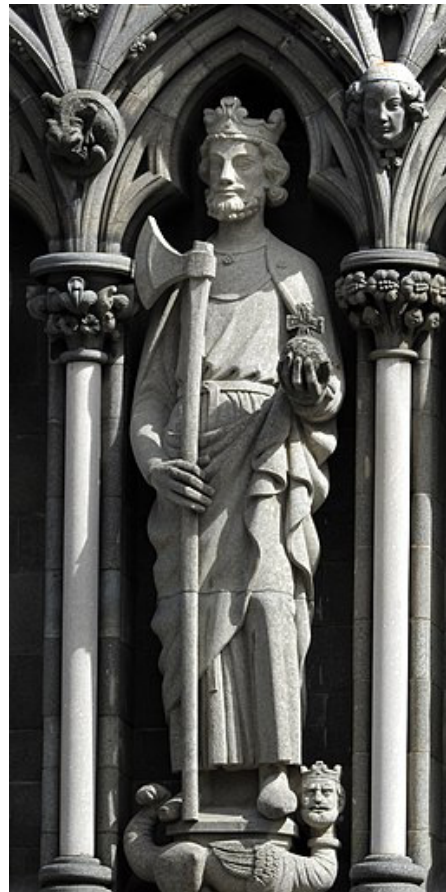
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Appendix A: Iconography of St Olaf



(a) Austevol Church.



(b) Nidaros Cathedral.

Figure IV.1: Examples of traditional iconography of St Olaf. In both examples Olaf is depicted as a king treading on the beast of paganism, with his own head attached to it. (Wikimedia Commons).

Appendix B: The Creed in Magnus the Lawmender's Law Books and the Apostle's Creed

The following is a side-by-side comparison of the Old Norse creed included in Magnus' law books with the original Latin Apostle's Creed upon which it was based, with English translations provided for convenience. Looking visually at the center columns the alterations, and their added emphasis on the church, the sacraments, and redemption, are quite apparent.

The numbering system used to break the text into parts 1-12 is the traditional one. Magnus first formulated the creed in the *New Christian Law* of the Gulathing from the 1260s and it found its way into every law book he compiled afterwards up through his final book, *Jónsbók* (1280-1). The Old Norse text and translation are taken from Schulman, *Jónsbók*, 24-7.

OLD NORSE TEXT	ENGLISH TRANSLATION	ENGLISH APOSTLE'S CREED	LATIN APOSTLE'S CREED
1. Wer skulum trua a guð foður alldz ualldannda skapara hímíns ok iardar.	We shall believe in God the Father, the all-powerful creator of heaven and earth.	I believe in God the Father almighty, maker of heaven and earth:	Credo in Deum Patrem omnipotentem, Creatorem caeli et terrae,
2. Ver skulum trua a várn drotínn ihesum xpristum. hans eínka son	We shall believe in our Lord Jesus Christ, His only Son,	and in Jesus Christ his only Son our Lord,	et in Iesum Christum, Filium Eius unicum, Dominum nostrum,
3. er getínn war af krap tí heilags annða. ok fæddr af Maríu meyíu.	who was conceived by the power of the Holy spirit and born of the Virgin Mary,	who was conceived by the Holy Spirit, born of the Virgin Mary,	qui conceptus est de Spiritu Sancto, natus ex Maria Virgine,
4. Pínnðr unndir pílatz valldí. krossfestr. deyðdr. ok grafuínn.	suffered during Pilate's reign, crucified, dead and buried,	suffered under Pontius Pilate, was crucified, dead, and buried.	passus sub Pontio Pilato, crucifixus, mortuus, et sepultus,

<p>5. for niðr til helúitis ok leysti þaðan alla sína víni. Þriðia dag eftir er hann var deyddr sínum manndómí. uskóddum sinum guðdómí. Reis hann upp af dauða ok var siðan með lærisueinum sínum xl. daga fra paska degi til uppstígníngar dags.</p>	<p>who descended into hell and freed from there all his friends. The third day after he was killed as a man, but with his divinity untouched, he rose up from the dead, and was with his disciples afterwards for forty days, from Easter Day until Ascension Day, and ascended then to heaven</p>	<p>He descended into hell; the third day he rose again from the dead; he ascended into heaven,</p>	<p>descendit ad inferos, tertia die resurrexit a mortuis, ascendit ad caelos,</p>
<p>6. ok steíg þa til hímna vpp.</p>	<p>and from there he shall come on the last day of this world to judge everyone according to their merits.</p>	<p>and sitteth on the right hand of God the Father almighty; from thence he shall come to judge the quick and the dead.</p>	<p>sedet ad dexteram Dei Patris omnipotentis, inde venturus est iudicare vivos et mortuos.</p>
<p>7. ok þaðan skal hann koma a efsta degi þessa heíms at dæma huern eftir sínum verðleikum.</p>	<p>We shall believe in the Holy Spirit, that he is true God like the Father and the Son, and that these three persons are one God.</p>	<p>I believe in the Holy Spirit;</p>	<p>Credo in Spiritum Sanctum,</p>
<p>8. Ver skulum trva a helgan anda at hann er sannr Guð sem fadir ok sonr. ok þær þriar skilníngar einn guð</p>	<p>We shall believe everything that all Christian people believe—and Holy Church and the Communion of Saints have accepted—with unwavering steadfastness.</p>	<p>the holy Catholic Church; the communion of Saints</p>	<p>sanctam Ecclesiam catholicam, sanctorum communionem,</p>
<p>9. Ver skulum trua allt þat er truir oll kristín þioð ok heilug kirkia ok heilagra manna samband hefir samþýkt með vbrigðiligri staðfestu.</p>			

<p>10. Ver skulum trua at synndir fyrir látazst huerium manni með skírn. iðran oc skriptagangi. með holldi oc bloði vars drottíns er j messum helgaz með bæna halldi ok olmosu gerðum. með fóstum. ok með ollum öðrum goðum lutum er menn hugsa. gera. ok tala.</p>	<p>We shall believe that sins are forgiven every man by baptism, repentance, and confession, by the body and blood of our Lord which is consecrated during mass, by the recitation of prayers and the giving of alms, by fasting and all other good things which men think, do, and say.</p>	<p>the Forgiveness of sins;</p>	<p>remissionem peccatorum,</p>
<p>11. Ver skulum trva at huers mannz likamí sem j er komínn heímínn eðr koma kann til doms dags skal þa vpp Rísa</p>	<p>We shall believe that every man's body which has come into the world or can come before Judgment Day shall then rise</p>	<p>the Resurrection of the body,</p>	<p>carnis resurrectionem,</p>
<p>12. ok þaðan af skulu þeir sem illa gerðu ok æigi iðruðuz með yfirbót þessa heíms hafa ennda lausan vfagnat með fíandnum j heluíti ok hans eyriíndrekum. En þeir sem gott hafa gert þessa heíms. skulu þa fa ok hafa eilífan fagnat með guði ok hans helgum j hímínriki</p>	<p>and, from that time on, those who did evil and did not repent with penance in this life are to have endless sorrow with the devil and his minions in hell, but those who have done good in this life shall receive and have everlasting joy with God and his saints in heaven.</p>	<p>and the Life everlasting. Amen.</p>	<p>vitam aeternam. Amen.</p>

Appendix C: Common Patterns in Theology, History, and Law

The following is a complete visualization of the historical/theological framework of “new” and “old” that underlied the law books of Magnus the Lawmender. Beginning with the basic principle, as found in the practice of scriptural exegesis and the letters of St Paul, it outlines how some form of the same view of salvation history/theological understanding informs each of the works discussed above and, consequently, formed an essential part of the worldview that produced the law books.

	OLD	TURNING POINT	NEW / ON-GOING	FINAL
SALVATION HISTORY	Old Covenant	Incarnation	New Covenant	Heaven
SCRIPTURAL EXEGESIS	Historical / Literal Meaning	Allegorical Meaning	Moral / Tropological Meaning	Anagogical Meaning
LAW IN PAUL’S EPISTLES	Mosaic Law / Natural Law	Christ Fulfills Law	Preaching the Law of Christ	Our Fulfilment of the Law
LAW IN ALFRED’S <i>domboc</i>	Mosaic Law	Sermon on the Mount / New Law of Christ	Synod of Jerusalem (and any synod after conversion)	Charity (no law necessary)
ADAM OF BREMEN / SYNOPTIC HISTORIES	Pagan Violence	Initial External Conversion	Continuing Internal Conversion	
<i>Passio Olavi</i>	Pagan King / Warrior	Conversion	Christian King	Martyrdom
THE SWORD	Violence through Sin	Restoration of Peaceful Order by Christ	Coercion / Law	Peace
CONVERSION OF ICELAND	Broken Peace	Compromise / Conversion	Christianization of Laws	
NORDIC LAWS	Old Pagan Customs	Conversion	Christianized Laws	
LAW BOOKS	Old Laws	Christianized Laws	New Laws	Perfect Charity