

The Parergon and the Transformation of the Prologues to the Medieval and Early Modern Norwegian *Landslog* (1274–1604)

Abstract

The *Landslog* was the first national law code of Norway, in force between 1274 and 1687. During this time, several different prologues were appended to the law code. The most ubiquitous were the original prologue from the law of 1274 and a new prologue that accompanied translations of the code into Danish. There was also a learned prologue that was occasionally found together with the new prologue, and when the law code was finally printed for the first time in 1604, another prologue was also written to accompany it. While previous scholarship has paid scant attention to the transformation of the prologue (several of them have never been published), I argue that the prologues are key in understanding the contexts of the Norwegian *Landslog*. Using Derrida's concept of the parergon outlined in *The Truth in Painting* and by analysing the interaction of the prologue and main law code in different manuscripts, I conclude that each prologue exerts a parergonal influence on the law code in a different way and that the translation of the law into Danish had a profound effect on the transformations of the prologue. In addition, this article provides an updated overview of the prologues to the *Landslog* and lists which manuscripts they are preserved in.

Introduction

The prologue is a key aspect of the medieval Norwegian *Landslog*, the first national law code, because it guides the reader in the way in which the law code should be read and understood. The prologue also has parergonal qualities; it works to frame the main text and can affect the reception or interpretation of the main text. My essay uses Derrida's concept of the parergon to explore the prologue to the medieval Norwegian *Landslog*, which took on several different forms

during the period that the law was in force from 1274 to 1687. Although several medieval Norwegian law codes contain shorter prologues, the most extensive Norwegian legal prologue from the Middle Ages is the prologue to the law of 1274. This law code of 1274, known as the *Landslog*, was the first national law code of Norway, enacted to replace earlier regional laws, and its introduction was an important stage in the state formation processes of Norway and in the consolidation of the power of the monarchy (Helle; Bagge; Imsen). Since the law code was paired with several different prologues over the course of its existence, the notion of the parergon is a good tool with which to analyse the transformation of the prologue to the Norwegian law code of 1274, since the different prologues have different ways in which they interact with the law code. The translation of the original prologue from Old Norwegian to Danish and its removal and replacement with a new prologue can aid us in assessing what the prologue in its variant forms contributes to the main law code, which was itself simultaneously translated to Danish in the sixteenth century.

The *Landslog* came into being in the late thirteenth century as a result of King Magnus Håkonsson's realm-wide programme of legal revisions in Norway and remained in force for around 400 years.¹ At first, King Magnus set out to revise the provincial laws.² His law revisions reached their peak in 1274 when the *Landslog* was adopted in the various regions of Norway between 1274 and 1276, and he continued his revisions by revising the town law.³ Because of his work with the Norwegian laws, Magnus acquired the byname *lagabøte* ("the Law-Mender"). During this period of intense legal revision in the thirteenth century, Norway was an independent kingdom with a well-developed legal tradition. However, it would not be long until Norway was to be united with other kingdoms. In 1319, Norway was united with Sweden in a personal union under King Magnus VII Eriksson, which lasted until 1343 when Norway adopted Magnus Eriksson's second son as king (King Håkon VI Magnusson). His son, Olaf, was chosen as Danish king in 1375 (King Olaf II Håkonsson), and he then inherited the kingdom of Norway from his father as Olav IV Håkonsson in 1380, creating a Dano-Norwegian union that ultimately lasted until 1814. Although by the sixteenth century Norway was effectively a province ruled from Denmark when the Norwegian Council of the Realm (*Riksrådet*) was abolished in 1536, the *Landslog* remained in force until well into the early modern period, when it was replaced in 1687 by *Kong Christian Den Femtes Norske Lov af 15de April 1687*.

The *Landslog* was originally written and circulated in Old Nor-

1. Medieval and early modern Scandinavian personal names are given in their modern spellings in this article for the sake of consistency.

2. The various provinces of Scandinavia originally had legal autonomy and there were no written laws. This means that regional legal customs in what are now united Scandinavian kingdoms once prevailed. The regional or provincial laws in Norway, known as *landskapslover*, were written down only a few decades before the national law that replaced them was enacted in 1274. The provincial laws were, by and large, collections of customary laws. The vernacular laws did not usually contain ecclesiastical law, which was treated separately, but did include constitutional law, administrative law (public administration, exercised by an arm of the government), criminal law, and laws of procedure.

3. This canonical version of the legal revisions taking place in thirteenth century Norway has been assessed with a critical eye by Horn.

4. There is, for example, the following comment from the mid-sixteenth century from the Norwegian Laurents Hanssøn in the prologue of his saga translations. Hanssøn notes that Norwegians themselves had problems in reading the old books: “Ere nu all ffaa bøgher i norige[...]anthen aff konge bøger eller andre norske bøger ffaa ere och dee som dem lese kunne æn ferre ere de som forstaa dem” (Storm, *Laurents Hanssøns sagaoversættelse* 3) (“Now there are so few books in Norway[...]whether books of kings or other Norwegian books. Also, those who are able to read them are few, yet fewer are they who understand them”).

5. See Rindal and Spørck 41–50 for a list of the extant manuscripts containing a Danish translation of the *Landslog*.

6. The printed book of 1604 was published as an edition in 1855 (Hallager and Brandt). The printed lawbook of 1604 will be referred to as ‘the lawbook of 1604’ in this essay.

7. For an overview of legal prologues in general, see Fögen, and for a volume on prefaces to books of Canon Law in Latin Christianity, including translations, see Somerville and Brasington.

8. For the prologue to the law of Jutland see Gelting and for a translation see Tamm and Vogt 242–43; for the prologue to the law of the Frostating see Keyser and Munch 1846, 121.

9. For the prologues to Anglo-Saxon laws, see Treschow, for the prologues to Welsh law see Pryce.

wegian, but during the sixteenth and seventeenth centuries more and more Danes were placed in important administrative positions in Norway (Bagge and Mykland 66, 74, 77), and as a consequence, Danish became the language of the administration in Norway. For the numerous Danish administrators working in Norway in the sixteenth century, this language would have been hard to read, and the Old Norwegian may have also been difficult for some Norwegians.⁴ Danish translations of the Old Norwegian of the law code were produced in the sixteenth and seventeenth centuries, which circulated in manuscript form. Since different translations were in circulation, slightly different, although broadly similar, versions of the law appeared.⁵ These different versions of the law caused the Norwegian legal system to slowly begin to fracture, and over the course of the sixteenth century, there were repeated commands from the court in Denmark to produce a state-sponsored, revised translation. Initially, these orders were pretty much ignored, but eventually in 1604 the new, revised lawbook was brought to print for the first time in Copenhagen, titled *Norske Low-Bog, offuerseet, cor-Rigerit oc forbedrit Anno M.DC.III* (“The Norwegian Law-Book, Looked Through, Corrected and Revised The Year 1604”).⁶ The lawbook of 1604 was in force until 1687 when it was replaced by *Kong Christian Den Femtis Norske Lov*.

Like other law codes from medieval northern Europe, medieval Norwegian law makes fairly extensive use of prologues to law codes and, as such, Norwegian vernacular legal prologues belong to a broader genre of European legal prologues found in Latin Christendom.⁷ The prologues are not necessarily particularly long or detailed (often they are simply a few lines), and they are a common feature of medieval vernacular laws. In the medieval period in northern Europe, we find a prologue for example at the beginning of the Danish law of Jutland and in Norway at the beginning of the regional law of the Frostating.⁸ The Norwegian legal prologues are therefore not a product of an exceptional, vernacular culture; rather the development of Norwegian prologues from the medieval and into the early modern period is likely a result of the entanglement of Europe-wide canon law practices, other Scandinavian legal cultures, and impulses from the British Isles over a period of 800 years.⁹ By the late thirteenth century, legal prologues in the vernacular Norwegian legal tradition were a product of a learned milieu. The original, Old Norwegian prologue to the *Landslog* is a piece of rhetoric with a basis in both the speech and the public letter, and the form and structure of the prologue are products of the importance of rhetoric in the

pan-western European medieval education system, the teaching of letter writing in the Middle Ages, and the development of state bureaucracy in Norway.

The article argues that prologues as parergonal texts are key in understanding the contexts of the Norwegian *Landslog*, since the prologues are contemporary statements about the political system and about the translation of the law into Danish. The article also analyses how the different prologues (parerga) work together with the law code (ergon). In the original, thirteenth century prologue, the voice of Magnus Lagabøte in the prologue is a key site at which the prologue engages with the law code. This is made clear when this prologue is removed in the sixteenth century, and largely replaced by a new, Danish prologue. As will be clear from the overview of the surviving manuscripts given below, some manuscripts contain both the old and new prologues, but these are in a minority. There are also two other prologues to the *Landslog*: a learned prologue by Matthias Scavenius, which circulated together with the new prologue, and a prologue that prefaced the printed edition of the law code from 1604. Both of these prologues were also in Danish. Although the contents of the body of the law code remained broadly similar when it was translated into Danish, the fact of the translation of the law code into Danish itself appears to have had a tremendous effect on the development of the prologues, as they become increasingly focused on the notion of the law being understandable and being written in a language that is widely used.

This article combines the tool of the parergon with the examination of individual manuscripts to provide an analysis of the prologues that have been attached to the Norwegian *Landslog* from 1274 to 1604. In previous catalogues of *Landslog* manuscripts, the prologues have been used as a way of grouping the Danish translations of the *Landslog*. This article reveals the inadequacies of this approach and offers an updated list and timeline of manuscripts containing the prologues.

Parergon and the Legal Prologue

A ‘parergon’ is an addition to a main work, in that ‘parergon’ does not refer to an independent entity, but rather to something that is subordinate to a main subject. ‘Parergon’ is a key term in Derrida’s *The Truth in Painting (La Vérité en peinture)*, in which the character and function of the parergon are understood to be that of a threshold or

10. The concept of parergon has also been applied to literary studies, most notably by Simone Heller-Andrist in her 2012 book *The Fiction of the Frame: Derrida's Parergon in Literature*. This critical volume has been influential on my own understanding of the parergon.

11. See also Duro 27–28 for a description of parergon as ornament.

border – in particular that of a frame, the border of an artwork.¹⁰ Derrida borrowed the word from Kant (see for example Derrida 55), and it is derived from the Greek *para* – meaning “beside,” and *ergon*, meaning the “work”. In the present article I understand the prologue to the *Landslog* as the parergon to the ergon of the body of the law code, and investigate what happens when the prologue is transformed into various versions throughout the history of the *Landslog*.

In the *Landslog*, the parergonal prologue and the body of the law code (ergon) interact: as Heller-Andrist points out, the frame (in this case, the prologue) mediates between the work and the reader and between the work and its surroundings. This interaction is a crucial condition of the parergon that separates it from mere adornment (Heller-Andrist 38).¹¹

Two key terms to describe the interaction of parergon and ergon are ‘oscillation’ and ‘friction.’ Heller-Andrist introduces the notion of ‘friction’ to describe the interaction of parergon and ergon that Derrida outlines. Friction, Heller-Andrist comments, is “a symptom: it is the main indicator of parergonality in literature” (12). The main manifestation of friction is identified as ‘oscillation.’ The force of the parergon can swing back and forth like a pendulum:

When the parergon executes its full force upon the work, it writes itself fully into the work and complements it, only to fall back into the state of a passive supplement afterwards. The parergon is thus able to unite a range of different conditions within itself in order to enable this sort of communication. These conditions range from inert supplement to most active complement. When one traces the process of oscillating interaction between work and frame, the parergon, according to Derrida, ‘effaces itself... at the moment it deploys its greatest energy’ (Heller-Andrist 2012, 32).

Prologues introduce completed works; the work is usually already finished before the introduction or prologue is written, and the parergon not only holds the essence of the main work, but directs the reader in which way to read it, and as such forms the portal through which we access the work (Heller-Andrist 23). Applying the notion of parergon to the prologues of the *Landslog* opens up a framework within which we can interpret the friction between the prologue and law code it prefaces over time. If friction is “effected by incompatibilities between work and frame” (Heller-Andrist 11), then we may be able to identify friction between prologue as parergon and the law

code as ergon by searching for signs of these incompatibilities.

In order to search for these signs of incompatibilities that cause friction, this article interrogates the border(s) between the prologue and the law code. Derrida asks, “Where does a parergon begin and end?” (Derrida 57). This is a relevant question because, as Heller-Andrist clarifies, the parergon is neither part of something else nor stands on its own, and it is not fully detached from nor fully attached to the main work (34). Since the parergon and the ergon oscillate with each other, there is a border realm in which an exchange or even interchange between the parergon and ergon takes place. The site of this quasi-attachment is known as the ‘passe-partout,’ the location of transition between prologue and work. The parergon is able to transgress the ergon at the site of this passe-partout. How do we go about interrogating the passe-partout further to trace textual parergonal oscillation, the ways in which the parergon and ergon talk into each other? Derrida approaches the mechanism via lack:

It is not because they [the parerga] are detached but on the contrary because they are more difficult to detach and above all because without them, without their quasi-detachment, the lack on the inside of the work would appear; or (which amounts to the same thing for a lack) would not appear. What constitutes them as *parerga* is not simply their exteriority as a surplus, it is the internal structural link which rivets them to the lack in the interior of the *ergon*. And this lack would be constitutive of the very unity of the ergon. Without this lack, the *ergon* would have no need of a *parergon*. The *ergon's* lack is the lack of a *parergon*. (Derrida 59–60)

The ‘lack’ is something that is missing in the work, that only becomes noticeable through the workings of the frame, although as lack is an absence it cannot appear (Derrida 49), so whether the lack appears or not must be the same thing. Anyway, this leads Heller-Andrist to the conclusion that “the defining criterion for a parergon is its internal structural link to the site of the lack in the ergon” (Derrida 49). Only when the parergon is absent after having been present can we find the lack: “if we consider the parergon to be the constitutive voice around the work, the lack is that which would be missing if this very voice did not point it out. This means that, if we did not have this voice available, we would not realize that something was missing” (Derrida 49). Through the transformation of the prologue across the centuries, we are able to search for Derrida’s lack, which might aid us

in accounting for a mechanism with which the parergon interacts with the ergon. It might be tempting to assume that it is the entirety of the prologue as parergon that interacts with the main law text, however, I argue that there is one element in particular that is the key mechanism for the interaction of the prologue with the law code: the voice of Magnus Lagabøte himself.

The Old Norwegian Prologue to the Law Code of 1274

Far from being a non-essential preface to the law, the original prologue to the code of 1274 frames the legislation and provides important contemporary commentary on the provisions of the law code. The prologue explains how and why the new law code came about and outlines the contents of the lawbook. This is a longer and more elaborate prologue than those used for previous Norwegian law codes, and is also noteworthy for being in the voice of King Magnus himself. Since including a prologue was normal in Norwegian laws, one of the functions of the prologue to the *Landslög* is thus to assert the place of the *Landslög* as a Norwegian legal text begun in an appropriate and customary way, which is perhaps important given the status of the *Landslög* as a new law code that was going to be imposed over the whole country in a manner that had not been done before.¹²

The Old Norwegian prologue has a parergonal relationship with the main law code because the two interact with each other. One example of the prologue interacting with the main law code, and in the process defacing itself, comes at the point at which the voice of King Magnus mentions each section of the law code in order, and justifies why it is necessary:

Eftir landsleigubólk er kaupabólk, því at svá skal eftir lagasóknum lausa aura sókja sem með landabrigði land ok jarðir. Eftir kaupabólk er þjófabólk, því at þat hófir engum fyrir oðrum at tortíma, sem hinn hefir með lögum at komizk. En sá er oðruvís gerir, man lagarefsing fyrir taka. (Holm Perg 34 4to, f. 8v)¹³

(After the section on Tenancy is the section on Trade, because thus shall cases be prosecuted about possessions/chattels as with land claims and estates. After the section on

12. For the new ideas introduced in the *Landslög*, see Sunde.

13. All quotations from the Old Norwegian prologue of the *Landslög* are from the oldest surviving manuscript, Stockholm, Kungliga biblioteket, Holm Perg 34 4to [Holm Perg]. The normalised transcription of this manuscript is cited here, published on Emroon.no, which is based on a transcription by Anna C. Horn and on transcription and annotation by Robert Kristof Paulsen.

14. All translations are my own.

Trade is the section on Theft, because it behoves no one to take something from another which he has acquired according to the law. And that one who does otherwise will be punished according to the law.)¹⁴

The text of the prologue turns from a general rationale of why the law code was written to focus on the internal structure of law code, thereby drawing the parergon and ergon into each other. At the moment at which the parergon asserts its strongest force against the main law code, by describing the contents of the code, it disappears, obscured by the contents of the main law code itself, of which it is not a part.

The original Old Norwegian prologue begins with a customary greeting from the king, in which he sets out his lineage and conveys his and God's greetings. Next, Magnus talks about how he was asked to make the book, and the kind of changes he made. He begins by saying:

Þér vitið at hinir skynsömustu menn af Frostuþingslögum hafa iðurliga getit fyrir oss at þér hafið spurt at vér höfum hlut í átt at bóta nokkut um flestar lögboðkr í landinu, ok beðit oss at yður bók skyldi eigi þeira umbóta hlutlaus verða. (Holm Perg 34 4to, f. 8r)

(You are cognisant that the most wise men of the Frosta assembly's law-district have frequently mentioned in front of us that you have heard that we have had a part in amending the majority of the lawbooks in the country, and begged us that your book should not be without a share of those improvements.)

The fact that the prologue in the first person makes the prologue to the *Landslog* particularly striking, because it is ostensibly from King Magnus in his own voice, endowing the prologue with immediacy. Politically, this consolidates the position of the King as law-maker: Magnus is represented as the source of the law and the lawbook in the *Landslog*, and the law code begins with a prologue in which he takes personal responsibility for the law:

þá höfum vér þó þessa bók látit rita, er vér sendum yður eftir slíkum hátti sem hon vátar treystandi á várs herra *Jesu Christi* miskunn ok þeira hinna skynsömustu manna tillögu er í hjá oss váru. (Holm Perg 34 4to, f. 8r)

(... we have nevertheless had this book written, which we send to you after such a manner as it bears witness, trusting in the mercy of Our Lord Jesus Christ, and the contribution of the most wise men who were with us.)

In the law, the triad of King, God, and the lawbook often intersect as sources of authority throughout the law code.

The Old Norwegian prologue presents Magnus as the legal authority behind the law code right at the beginning of the text. This strongly interacts with the references to the power of the king in the law code itself. While the lawbook is presented as the fundamental record of the law, the king is presented in the *Landslog* as the source of the law, as is made clear in the discussion of cases that are not adequately covered by the lawbook:

En allt þat er lögþók skilr eigi ór, þá skal þat ór hverju máli hafa er þeir verða ásáttir allir. En ef þá skilr á, þá ráði lögmaðr ok þeir er með honum samþykkja, nema konungi með hinna vitrustu manna ráði lítisk annat lögligara. (Holm Perg 34 4to, f. 10v, *Þingfararbqlkr*)

(And all that which the lawbook does not decide, then shall each case have that which they are all in agreement upon. But if they disagree, then the justice and those which agree with him decide, unless the king, with the advice of the wisest men, decides that it appears to him that another [i.e. different decision] is more in accordance with the law.)

The law code goes on to say that the king is “yfir skipaðr lugin” (Holm Perg 34 4to, f. 12r, *Þingfararbqlkr*) (“above the law”). In addition to asserting the authority of the king through the rhetorical triad of the king, book and God, the *Landslog* also functioned to consolidate the power of King Magnus by the centralisation of authority. The *Landslog* represents a centralization of norm production in the passing of law code for the whole realm. Judgements and norm production shifted from having occurred at the local assemblies, where each individual case was treated as unique, to a focus on the collective apparatus of norms. Those people involved in this changed from being local people at the assembly to a powerful group who could make their decisions valid on a national level. This idea is really brought to the fore in the prologue and resonates throughout the law code.

If the *passee-partout*, or the place of interaction between the prologue and law code, is to be located in the voice of King Magnus in

the content of the law code, we might also consider where the *passerpartout* between the prologue and law code might be found in the material record of the *Landslog*. There is one particularly interesting statement in the prologue to the code of 1274 with this in mind:

Þingfararbólkr er nú sem fyrr **í andverðu ritaðr áðr en hefi sjalfa bókina**, at áðr berr at þingit sé skipat ok nefndarmenn skoðaðir, loðgréttumenn kosnir, eiðar fluttir ok grið sett ok siðsemðum lýst, at því betr verði bókinni hlýtt síðan þingit er betr stillt ok siðat. Fyrsti hlutr bókarinnar er kristinsdómsbólkr... (Holm Perg 34 4to, f. 8r, my emphasis)

(The section about travelling to the assembly is now as before **written at the beginning, before the book itself begins**, since it is fitting that already the assembly be created and nominated men looked at, members of the law council chosen, oaths sworn, and truces made and good manners published, because the book will be better listened to since the assembly is better tempered and better mannered. The first part of the book is the Christian laws section ...)

This quotation is drawn from the section of the prologue that describes and justifies the contents of the prologue in the order in which they come in the lawbook. Most interesting for us, is that the description “written at the beginning, before the book itself begins” does not in fact refer to the prologue. The section it in fact refers to, *Þingfararbólkr* (“the section about travelling to the assembly”), is usually regarded as the first section of the lawbook proper after the prologue and as the section with which the law code opens. The prologue does not contain legally binding rules, but the section on travelling to the assembly does. But, according to the description of contents in the prologue, it is only after the section on travelling to the assembly that the first book of the law code begins. We will now turn to how this is reflected in the material preservation of the *Landslog*, to explore how scribes organised aspects of the transition between *parergon* and *ergon* in the manuscript tradition.

The transition between the prologue and the law code in the medieval manuscripts of the *Landslog* points to one element that provides a point of transition: registers. In the manuscripts that contain registers (and some do not), these lists of contents typically come before each section of the law code and provide a list of headings or contents for each legal paragraph of the section. Registers are inter-

mediary points between the different sections of the law and indicate where the prologue ends and the law code begins.

In København, Det Kongelige Bibliotek, GkS 1154 fol. (a fourteenth-century manuscript), it is very clear the book painting and the registers work together to mark the points of transition in the manuscript. On f. 1v, there is an historiated initial at the beginning of the prologue depicting King Magnus giving the lawbook to the people. On f. 2v, another large initial serves to demarcate the beginning of the next section on travelling to the assembly. According to the overview in the prologue discussed above, this could also be classed an extra-legal section, since this is the section that was described as “written at the beginning, before the book itself begins.” When we contrast *Þingfararbqlkr* with the other books of the law code (which are, according to the prologue, the law code proper), we can see that these also have an initial like the prologue and *Þingfararbqlkr*, but they also have a list of contents before each book, loosely based on the rubrics as headings. On f. 9v, the register providing the overview of the contents of the chapter comes directly above the chapter it overviews. In GkS 1154 fol., those books that were counted as belonging to the law code proper have a contents page before the initials; those that did not were still afforded historiated initials but organised on different principles. Since the prologue and *Þingfararbqlkr* do not have contents pages, we might assume that these pages were not intended to be referred to as often, so the navigation of these pages was not as important. Nevertheless, other manuscripts, such as København, Den Arnamagnæanske Samling, AM 60 4to (f. 22v) and København, Den Arnamagnæanske Samling, AM 62 4to (f. 2v) do have registers for *Þingfararbqlkr* following the prologue. In GkS 1154 fol. therefore, the prologue and *Þingfararbqlkr* both provide prefatory material, although it is debateable whether *Þingfararbqlkr* acts parergonally on the law code, since its contents are more obviously similar to the code than the prologue.¹⁵ In the AM 60 4to and AM 62 4to, the indications in the manuscript are that *Þingfararbqlkr* is clearly included in the law code. This demonstrates that in the case of texts transmitted in manuscripts, both the textual and material contexts need to be evaluated in tandem, and that individual manuscripts will handle the transition between the various sections of the contents differently. Paying attention to these areas of transition in the material object may guide us in locating areas of friction and interaction between the parergon and the ergon. This would suggest that in future studies of the interaction between prologue and main text in me-

15. There is also no register before *erfdatal*, the section of the law on inheritance, in GkS 1154 fol., so the absence of a register before *Þingfararbqlkr* may be coincidental, which would simply bring the manuscript in line with the other manuscripts mentioned that do have a register for *Þingfararbqlkr*.

dieval texts, working with individual manuscripts and their layout may give provide clues to parergonal elements.

In summary, the mechanism with which the parergon interacts with the ergon in the text itself is the voice of Magnus Lagabøte, while in the context of the material object, the mechanism of interaction is to be found in the transitional areas between texts, such as initials and registers. The voice of King Magnus appears from the parergon throughout the ergon to claim authority over Norwegian law; the parergon serves the ergon, and the prologue directs the reader how to understand the law code.

The Development of Prologues to the Danish Translations of the *Landsløg*

Many manuscripts survive of the translations that were made of the *Landsløg* into Danish. These translations arose because while Norway maintained its own laws in the early modern period, it was part of the Danish kingdom. The administration in the country in the sixteenth and seventeenth centuries were predominantly Danish and could not read the Old Norwegian the law code was written in. We have over 120 surviving manuscripts of these translations. In most of the manuscripts containing a translated version of the *Landsløg*, the original prologue (discussed above, found in the medieval Old Norwegian versions of the law code) was replaced with a new prologue.

Earlier scholarship used the prologue as a criterion with which to group the manuscripts of the translated *Landsløg*: one group contained translations that featured the old prologue, while the second group had the translation with the new prologue. This approach has its roots in Gustav Storm's *Om Haandskrifter og Oversættelser af Magnus Lagabøtes Love* from 1879, in which Storm states he has gone through the translations “med den Plan for Øie at gruppere dem” (Storm, *Om Haandskrifter*, 22) (“with the plan in mind to group them”). Storm only classes two manuscripts as belonging to the first group (Danish translations with the old prologue), which he terms “the older recension”.¹⁶ All other manuscripts of the translation belong to the second group, the Danish translation with the new prologue, which he terms the younger recension (listed in Storm, *Om Haandskrifter* 22–26). Storm prints a summary of the new prologue to the *Landsløg* translation, which he states is similar across all the manuscripts, and points out that a large part of this new prologue is

16. Lund, Universitetsbiblioteket, Lund J 10 b fol., and Oslo, Deichman Bibliotek, Deichman 29 4to (Storm, *Om Haandskrifter* 22).

17. The manuscripts, however, are not grouped in to the older and newer recensions in the catalogue because they are listed by repository (Storm and Keyser).

18. This list is complete as possible, but not all of the manuscripts were available for consultation in cases where the catalogue information was incomplete. This list is collated primarily on the basis of Rindal and Spørck 41–50; Storm and Keyser, and manuscripts have been consulted where necessary to determine the status of the prologue. Manuscripts containing translations of the *Landslog* and for which I have not been able to consult to determine the status of the prologue are: København, Den Arnamagnæanske Samling, AM 94 4to, Oslo, Deichman Bibliotek, Deichman 30 4to and 32 4to, Edinburgh, The Advocates Library 21-4-3, København, Det Kongelige Bibliotek, GKS 1155b fol., Stockholm, Kungliga biblioteket, Holm papp 74 4to and 76 4to, Linköping b 72, Oslo, Riksarkivet, NRA Manuskriptsamlingen fol. 117, 4to 63, 4to 69, 4to 79 and 16vo 1, Stockholm, Kungliga biblioteket, Rål 29 4to, København, Det Kongelige Bibliotek, Ulldal 35 fol. and 314 4to.

an extract from the *Jyske lov*, the regional law of Jutland in Denmark in force at the time, and with some additional words of introduction (Storm, *Om Haandskrifter* 28–29). The catalogue of Norwegian law manuscripts from 1885 states whether most of the manuscripts containing the translations of the *Landslog* have either the new or old prologue,¹⁷ (although they are not grouped in to the older and newer recensions here because the manuscripts are listed by repository) (Storm and Keyser), and the most recent list of *Landslog* manuscripts from 2018 also mentions whether most of the translations have the old or new prologue (Rindal and Spørck 41–50). Careful examination of the two latter catalogues of *Landslog* manuscripts and looking at the prologues in the manuscripts themselves reveals a problem with Storm's grouping into the older and younger recensions of the prologue: while it is true that some translations have the original prologue and some have the new prologue, some manuscripts actually have both the old and new prologues, some have a prologue by Matthias Scavenius in addition to the new prologue, and some have no prologue at all. In order to update the discussion of the prologues in the manuscripts containing a translation, I have thus distinguished the following subgroups of manuscripts containing a Danish translation of the *Landslog*, presented as a timeline in each subgroup:¹⁸

Manuscripts with the old prologue in Danish translation

Stockholm, Kungliga biblioteket, Holm papp 84 fol (middle or second half of the sixteenth century)

Oslo, Deichman Bibliotek, Deichman 29 4to (second half of the sixteenth century)

Lund, Universitetsbiblioteket, Lund J 10 b fol. (second half of the sixteenth century)

Oslo, Nasjonalbiblioteket, NB Ms.4to 314 (second half of the sixteenth century)

Oslo, Nasjonalbiblioteket, NB Ms.4to 736 a (second half of the sixteenth century)

Oslo, Nasjonalbiblioteket, NB Ms.fol. 530 (1593-1594)

Oslo, Riksarkivet, NRA Manuskriptsamlingen 4to 60 (1597)

København, Den Arnamagnæanske Samling, AM 313 fol. (1598)

København, Den Arnamagnæanske Samling, AM 316 fol. (end of sixteenth century)

København, Den Arnamagnæanske Samling, AM 64 4to (end of sixteenth century)

Oslo, Nasjonalbiblioteket, NB Ms.fol. 4 (end of sixteenth century)

København, Det Kongelige Bibliotek, NKS 1644 4to (end of sixteenth century)

København, Det Kongelige Bibliotek, Ulldal 315 4to (end of sixteenth century)

Oslo, Nasjonalbiblioteket, NB Ms.4to 377 (1601)

Manuscripts with the new prologue

Oslo, Nasjonalbiblioteket, NB Ms.8vo 296 (sixteenth century)

København, Den Arnamagnæanske Samling, AM 85 4to (1543)

Oslo, Nasjonalbiblioteket, NB Ms. 4to 528 (1544)

København, Den Arnamagnæanske Samling, AM 86 4to (first half of the sixteenth century)

Stockholm, Kungliga biblioteket, Holm papp 69 4to (first half of the sixteenth century)

København, Det Kongelige Bibliotek, GKS 3263 4to (c. 1550)

København, Det Kongelige Bibliotek, Thott 1272 fol. (c. 1550)

København, Det Kongelige Bibliotek, Thott 1273 fol. (c. 1550-1560)

København, Det Kongelige Bibliotek, Thott 1274 fol. (c. 1500-1580)

København, Det Kongelige Bibliotek, Thott 2084 4to (c. 1550)

København, Den Arnamagnæanske Samling, AM 80 4to (mid-sixteenth century)

Stockholm, Kungliga biblioteket, Holm papp 116 fol. (mid-sixteenth century)

Stockholm, Kungliga biblioteket, Holm papp 71 4to (mid-sixteenth century)

Oslo, Riksarkivet, NRA 49 (mid-sixteenth century)¹⁹

København, Den Arnamagnæanske Samling, AM 317 fol. (second half of the sixteenth century)

København, Den Arnamagnæanske Samling, AM 81 4to (second half of the sixteenth century)

København, Den Arnamagnæanske Samling, AM 82 4to (second half of the sixteenth century)

København, Den Arnamagnæanske Samling, AM 88 4to (second half of the sixteenth century)

København, Den Arnamagnæanske Samling, AM 89 4to (second half of the sixteenth century)

Stockholm, Kungliga biblioteket, Engestr C XVII, 1, 17 (second half of the sixteenth century)

Stockholm, Kungliga biblioteket, Holm papp 115 fol. (second half of the sixteenth century)

19. This manuscript only has two leaves containing part of the new prologue (Storm and Keyser 773; Rindal and Spørck 48).

- Stockholm, Kungliga biblioteket, Holm papp 70 4to (second half of the sixteenth century)
- København, Det Kongelige Bibliotek, Ledreb 76 4to (second half of the sixteenth century)
- Lund, Universitetsbiblioteket, Lund J 6 4to (second half of the sixteenth century)
- Oslo, Nasjonalbiblioteket, NB Ms.4to 14 (second half of the sixteenth century)
- Oslo, Nasjonalbiblioteket, NB Ms.4to 502 (second half of the sixteenth century)
- Oslo, Nasjonalbiblioteket, NB Ms.8vo 71 (second half of the sixteenth century)
- Oslo, Nasjonalbiblioteket, NB Ms.4to 58 (c. 1560)
- Stockholm, Kungliga biblioteket, Holm papp 75 4to (1561)
- Oslo, Deichman Bibliotek, Deichman 28 4to (1562)
- København, Den Arnamagnæanske Samling, AM 87 4to (1566)
- Oslo, Deichman Bibliotek, Deichman 33 4to (1567)
- København, Det Kongelige Bibliotek, Kall 605 4to (1568-1579)
- Oslo, Nasjonalbiblioteket, NB Ms.4to 302 (c. 1575)
- København, Det Kongelige Bibliotek, Thott 2086 4to (1589)
- København, Den Arnamagnæanske Samling, AM 90 4to (1593)
- København, Den Arnamagnæanske Samling, AM 91 4to (1593)
- København, Den Arnamagnæanske Samling, AM 83 a 4to (1594)
- Stockholm, Kungliga biblioteket, Holm C 79 fol. (1594)
- Oslo, Deichman Bibliotek, Deichman 34 4to (1596)
- København, Det Kongelige Bibliotek, Thott 2087 4to (1596)
- Oslo, Nasjonalbiblioteket, NB Ms.fol. 278 (1598)
- Bergen, Universitetetsbiblioteket, UBB-Ms 65 (c. 1598)
- København, Den Arnamagnæanske Samling, AM 84 4to (end of sixteenth century)
- Oslo, Deichman Bibliotek, Deichman 38 4to (end of sixteenth century)
- København, Det Kongelige Bibliotek, GKS 3264 4to (end of sixteenth century)
- København, Det Kongelige Bibliotek, GKS 3265 4to (end of sixteenth century)
- Trondheim, Gunnerusbiblioteket, GUNNERUS XA Oct. 57 (end of sixteenth century)
- Stockholm, Kungliga biblioteket, Holm papp 113 fol. (end of sixteenth century)
- Stockholm, Kungliga biblioteket, Holm papp 114 fol. (end of sixteenth century)

20. This manuscript also contains a copy of the prologue of Mathias Scavenius, but it is separate from the new prologue and the *Landslog*.

- sixteenth century)
 Stockholm, Kungliga biblioteket, Holm papp 73 4to (end of sixteenth century)
 Oslo, Nasjonalbiblioteket, NB Ms.fol. 230 (end of sixteenth century)
 Oslo, Nasjonalbiblioteket, NB Ms.4to 1392 (end of sixteenth century)²⁰
 Oslo, Nasjonalbiblioteket, NB Ms.4to 526 (end of sixteenth century)
 Oslo, Nasjonalbiblioteket, NB Ms.4to 591 (end of sixteenth century)
 København, Det Kongelige Bibliotek, NKS 1073 fol. (end of sixteenth century)
 København, Det Kongelige Bibliotek, NKS 1074 fol. (end of sixteenth century)
 København, Det Kongelige Bibliotek, NKS 1075 fol. (end of sixteenth century)
 København, Det Kongelige Bibliotek, NKS 1646 4to (end of sixteenth century)
 København, Det Kongelige Bibliotek, Thott 2085 4to (end of sixteenth century)
 København, Den Arnamagnæanske Samling, AM 95 a 4to (c. 1600)
 Oslo, Nasjonalbiblioteket, NB Ms.8vo 3121 (c. 1600)
 København, Det Kongelige Bibliotek, NKS 1076 fol. (c. 1600)
 København, Det Kongelige Bibliotek, NKS 1635 c 4to (c. 1600)
 Bergen, Universitetsbiblioteket, UBB-Ms 63 (c. 1600)
 København, Den Arnamagnæanske Samling, AM 33 8vo (1601)
 Oslo, Deichman Bibliotek, Deichman 12 fol. (1604)
 Oslo, Deichman Bibliotek, Deichman 31 4to (eighteenth century)
 København, Det Kongelige Bibliotek, NKS 1635 b 4to (eighteenth century)

Manuscripts with the old prologue in Danish translation and the new prologue

- Stockholm, Kungliga biblioteket, Holm papp 72 4to (1552)
 København, Det Kongelige Bibliotek, GKS 1156 fol. (second half of the sixteenth century)
 Stockholm, Kungliga biblioteket, Holm papp 78 4to (after 1591)
 København, Det Kongelige Bibliotek, NKS 1643 4to (1593-1594)
 Oslo, Deichman Bibliotek, Deichman 11 fol. (1595)
 Oslo, Deichman Bibliotek, Deichman 13 fol. (1596)
 København, Den Arnamagnæanske Samling, AM 321 fol. (end of sixteenth century)
 København, Den Arnamagnæanske Samling, AM 79 4to (end of

sixteenth century)

Trondheim, Gunnerusbiblioteket, GUNNERUS XA Qv. 135
(1604)

21. Contains a copy of the Mathias Scavenius prologue but it is not with the new prologue or with the *Landslog* in the manuscript.

Manuscript with the old prologue in Old Norwegian and Danish translation and the new prologue

Oslo, Nasjonalbiblioteket, NB Ms.fol 5 (end of sixteenth century)

22. In some translations of the *Landslog*, the status of the prologue has not been possible to identify because it is blank or missing. AM 92 4to (which is a copy of NB Ms.4to 553) has blank leaves (f. 5v–8v) left for the prologue in the manuscript, but they were not filled in. This manuscript is a copy of NB Ms.4to 553 (Rindal and Spørck 42; Storm and Keyser 587), in which the prologue is lacking altogether, so the scribe of AM 92 4to clearly intended to source the prologue (we cannot know whether old or new) from elsewhere, but never did. Some manuscripts have a lacuna, which means the prologue is missing, for example in Oslo, Nasjonalbiblioteket, NB MS.4to 311 (1550), NB MS.4to 694 (end of sixteenth century) and NB Ms.4to 736 b (second half of the sixteenth century). The translation in København, Den Arnamagnæanske Samling, AM 75 4to from c. 1600 also does not have a prologue; this manuscript was originally bound in with the parchment manuscript AM 71 4to (Storm and Keyser 567), in which the *Landslog* is in Old Norwegian but has a lacuna that includes the prologue – we can assume this lacuna was already there when the translation in AM 75 4to was done in c. 1600 since they both lack the same pages. Oslo, Nasjonalbiblioteket, NB Ms.8vo 29 (1603) is a summary of the *Landslog* and the prologue is not included. There is however a short scribal prologue, describing the disposition of the books of the law code, which is printed in Storm and Keyser 749.

Manuscripts with the new prologue and the prologue of Mathias Scavenius

Oslo, Deichman Bibliotek, Deichman 14 fol. (1577)

Stockholm, Kungliga biblioteket, Holm papp 117 fol. (mid-sixteenth century)

København, Den Arnamagnæanske Samling, AM 320 fol. (end of sixteenth century)

København, Den Arnamagnæanske Samling, AM 32 8vo (end of sixteenth century)

Oslo, Nasjonalbiblioteket, NB Ms. 4to 1392 (end of sixteenth century)²¹

København, Det Kongelige Bibliotek, Ulldal 34 fol. (1600)

Manuscripts with the prologue lacking²²

København, Den Arnamagnæanske Samling, AM 93 4to (second half of the sixteenth century)

Oslo, Nasjonalbiblioteket, NB Ms.4to 553 (second half of the sixteenth century)

København, Den Arnamagnæanske Samling, AM 318 fol. (1554)

Stockholm, Kungliga biblioteket, Holm papp 77 4to (1575-1576)

København, Den Arnamagnæanske Samling, AM 319 fol. (last part of the sixteenth century)

København, Det Kongelige Bibliotek, Thott 2088 4to (1599)

Oslo, Nasjonalbiblioteket, NB Ms.4to 691b (end of sixteenth century)

København, Den Arnamagnæanske Samling, AM 92 4to (c. 1600)

We can see from this overview that there are over ten manuscripts of the Danish translations that contain the old prologue, and around ten manuscripts contain both the old and the new prologue. The ma-

jority of the manuscripts, however, contain the new prologue, while six manuscripts contain the prologue of Mathias Scavenius in addition to the new prologue.

We can therefore find the following versions of prologue in *Landslog* manuscripts:

- 1) the old prologue in Old Norwegian (in the medieval manuscripts)
- 2) the old prologue in Danish translation
- 3) the new prologue
- 4) the old prologue in Danish and the new prologue
- 5) the old prologue in Old Norwegian and Danish translation and the new prologue
- 6) the new prologue and the prologue of Mathias Scavenius

The Old Prologue in Danish Translation

There are at least thirteen manuscripts of the Danish translations of the *Landslog* that contain the old prologue in the voice of Magnus Lagabøte in Danish translation.²³ These manuscripts date from the second half or the end of the sixteenth century and so do not represent the earliest surviving translations of the *Landslog* into Danish²⁴ (so it is not the case that the earliest translations sought to maintain the old prologue and the later translations were written with a new prologue). The arrangement of old prologue (in translation) with a Danish translation of the *Landslog* preserves the direction of reading established by the prologue in Old Norwegian, but the fact that the law code is now in Danish rather than Old Norwegian reflects the prevailing power structures in sixteenth-century Norway.

The translation of the law into Danish adds an extra layer of friction to the parergonal process. The voice of Magnus Lagabøte continues to connect and fill in the Derridean lack of the ergon, since the old prologue is still present. The “mechanism of interaction” (to borrow Heller-Andrist’s turn of phrase, (56)), however, is fundamentally altered when the prologue is in Danish; even though Norway retained its own law code in the sixteenth century, the base of power had been transferred to Denmark. While the voice of Magnus Lagabøte in the Old Norwegian prologue exerted Norwegian royal influence on the law through interaction of the parergon with the law code (ergon), the translation of both of these parts into Danish serves to highlight

23. The version in Holm papp 84 fol. is somewhat translated (see f. 38).

24. The earliest manuscript, AM 85 4to, is from 1543 and contains only the new prologue.

that the Norwegian royal authority is no more. Magnus' voice in the Danish translation is only a hollow echo, and we might go so far as to say is negated by the translated law code. The translation of the law code into Danish is, after all, an important indication of a new identity; Danish is the language of the present and future.

As in the medieval manuscripts, the prologue is treated as a separate entity to the main law code in the early modern manuscripts containing the old prologue. The separation between the parergon of the prologue and the rest of the law code is also clear in the material record by looking at the placement of registers. Most of the manuscripts that contain the old prologue in translation also contain registers.²⁵ The registers, or lists of contents, either follow the prologue (AM 313 fol.; AM 64 4to; NB Ms. fol. 530) or the law code itself (AM 316 fol., NB Ms. fol. 4) or come after each book of the law code (NB Ms. 4to 314), but the prologue is not included in the register any of these cases. In NB Ms. fol. 4, for example, the register of *Pingfararbqlkr* ("The Section on Travelling to the Assembly") is described as "Tafflen til den første Bog som kallis Tingfare Bolck" (f. 3r) ("The contents table of the first book which is called *Pingfararbqlkr*"), making it clear that the old prologue is not part of the law, and the register comes after the law code, and does not include the prologue.

Several of the manuscripts containing the old prologue in Danish translation contain introductory statements to the prologue which claim authority for the law code by appealing to past kings. In NB Ms. fol. 4 from the end of the sixteenth century, the old prologue is in Danish translation, but it is not at the beginning of the law code, since several navigational apparatuses come between it and the law code. It is, however, the first text in the manuscript. The prologue is introduced with the rubric "Dette er tenn rette gamble for tale som konning Magnus sielff giorde wdoeffuer Lougenn" (p. 1) ("this is the true, old prologue that King Magnus himself made in addition to the law");²⁶ following this comes a register of the contents of each chapter of the law (pp. 9–20), and then another register containing a list of the chapters of the law code and several other items in the manuscript (pp. 21–22). It is after this that the law code itself starts. In this case, the prologue is treated as a separate text to the *Landslog*. In Oslo, Nasjonalbiblioteket, NB Ms. 4to 377, the title page of the manuscript says "Her Begyndis den norske low bog som Sancte Oluff konning giorde som mange frem farne konger udj Norge Stadt fest haffuer" (f. 1r) ("Here begins the Norwegian lawbook that Saint Olaf the King made, which many former kings have affirmed"). The introduction

25. Although there are some exceptions, for example NB Ms. 4to 377 contains no register, and NB Ms. 4to 736 b, has no registers but each chapter contains a descriptive heading.

26. This section of the manuscript is not foliated; the foliation begins at the beginning of the law code, therefore I provide page numbers for the section of the manuscript before foliation begins.

continues “Nu effterfylger her Konning Magnus rette oc gamle fortale offuer denne Norske love” (“Now follows here King Magnus’ true and old prologue over this Norwegian law”). The appeal to St. Olaf (an eleventh century king of Norway) as the guarantor of Norway’s laws goes back several centuries and is found in many legal contexts in Norway and Iceland, with Olaf gaining special prominence in this role the thirteenth century. By explicitly following the mention of Olaf as the guarantor of the law with a mention of Magnus, this presentation of the old prologue may be seeking to establish itself as the authentic prologue to Norway’s law in the face of increasing dominance by the new prologue, and by extension, the Danish control of the law.

The New Prologue

In the majority of the manuscripts containing a translation of the *Landslog* into Danish, the old prologue is not present and instead a new prologue is used. This new prologue is very similar across the surviving manuscripts.²⁷ In this new prologue, the reference to Magnus Lagabøte is removed and replaced with a prologue in the voice of the Danish kings; nevertheless, the appeal to St. Olaf as the guarantor of Norwegian law remains. The new prologue begins:

Her begyndis Norigis och synderlig Guletings Lougbog
Effter som hellige her S. Oluff konning med mange gode herrer
och fremfarne konger udi Norgis Rige met de skionsammeste
Ypperste oc beste mends Raad i landet giort skickit oc ordinert
beuilget stadfest och menige mand samtygt... (København,
Den Arnamagnæanske Samling, AM 79 4to, f. 8r)²⁸

(Here begins Norway’s and specifically the Guleting’s
lawbook according to that which the Holy Saint King Olaf
with many good lords and former kings from the kingdom of
Norway with the wisest, most excellent and best men’s advice
in the country have put together and consented to its being
affirmed and with the agreement of ordinary men...)

Here the traditional appeal to St. Olaf as guarantor of Norwegian law is maintained. Although this prologue is clearly Danish, the opening appeals to Norwegian traditions and that the law has been authenticated by ancient Norwegian kings. This is likely an attempt to compensate for the voice of Magnus Lagabøte having been removed from

27. It can be found summarised in Storm, *Om Haandskrifter* 29–30, but has never been published.

28. All quotations from the new prologue are drawn from AM 79 4to, which contains both the new prologue and the old prologue.

the lawbook. The parergon “takes control and command” of the ergon (Heller-Andrist 61); for this reason, the Danish prologue removes the voice of King Magnus, exposing the parergonal force of Magnus’ voice in the original prologue via its lack. It is also clear in the new prologue that the old law is forbidden, since “ingen sig effter denne dag formeldelst den gamle loug” (AM 79 4to, f. 8r) (“no one shall after this day shall be judged against the old law”). The translations of the *Landslog* themselves are in essence rather close to the original, however, so we might understand this as meaning against the essence of the old law as encapsulated in the old prologue. The *Landslog* is now to be understood as law administrated from Denmark, however much the rhetoric of the introduction, with its appeal to St. Olaf, seeks to reassure its reader that this is still a Norwegian law.

Although an ideal portrait of lawgiving is painted by the prologue and there are many references to the king, the rights of the king to legislate are actually curtailed in comparison to the old prologue: “maa Kongen slig loug ey... forandre uden sit Rigis Raadrz raad och mennige mandz samtycke med mindre hun vor obenbarlige emod gud Christi ord och lærdom” (AM 79 4to, f. 8v) (“the king must never change the law without the advice of his council and the agreement of common men, unless it is obviously against the word and teachings of God”). Collective agreement is emphasized; while this is a theme in the old prologue, there the king himself is presented as the source of the law.

The new prologue has what could be described as an external relationship to the *Landslog*; the prologue reaches outside the *Landslog* in an intertextual relationship with the *Jyske lov* (“The Law of Jutland”).²⁹ While both the beginning and ending of the new prologue contain some elements reminiscent of the prologue to the *Jyske lov*, the middle part of the new prologue (beginning “Lougenn³⁰ skal vere Erlig oc Taallig” (AM 79 4to, f. 8r) (“the law shall be honest and moderate”)) is drawn directly from the *Jyske lov*, in a clear statement of Danish authority. Also drawn from *Jyske lov* is the section that focuses on the rights and duties of the king and his representatives:

Det er kongens och høffdings embede der i landet ere at dømme reuisse och frelse den som met vold tuingis som ere Viduer faderløsse børn Vdlenske folck, pillegrime och andre fattige mend (AM 79 4to, f. 8v)

(It is the king’s and ruler’s duty here in the land to judge justly and to protect those who could be coerced with violence, which are widows, fatherless children, foreign people, pilgrims and other poor men)

29. The regional law of Jutland that had national influence and importance in Denmark. For an edition of the medieval *Jyske lov*, see Skautrup, Juul and Jørgensen. For an early modern version of the prologue, see for example, the manuscript Bergen, Universitetet i Bergen Manuskriptsamlingen, UBB-MS. 79, a sixteenth century Danish lawbook.

30. In AM 79 4to, it says “Kongen skal vere Erlig” (“the king shall be honest”), but “Kongen” (“the king”) has later been corrected to “Lougenn” (“the law”) in common with other manuscripts.

These vulnerable categories of people (all drawn directly from the *Jyske lov*) are the king's responsibility; no mention is made of the role of the law code in protecting them. The new prologue relates more to the context of the law code than to its contents. Heller-Andrist frames this kind of intertextual relationship as "the lack in the ergon could thus be said to be its reference to a previous work, which then acts as the frame" (62). Rather than the prologue directing the reader to the law code, the new prologue introduces communication with a Danish law code. This also serves to emphasise that the law code has been translated out of Norwegian.

Indeed, another emphasis in the introduction of the new prologue is that this is a prologue to a translated law. The first lines state the law has been "udseet at mennige mand kand bruge och forstaa alle til hielp och trost" (AM 79 4to, f. 8r) ("translated so that the common man can use and understanding everything to his help and comfort"). The focus on language, the "forstandigt maall som nu i landene brugeligt" (AM 79 4to, f. 8r) ("understandable language which is now used in the countries") replaces the focus of the old prologue on the content of the law; from this perspective, the new prologue is more separate from the law code than the was the old prologue in the medieval manuscripts. The interaction of the parergon with the ergon in the translated *Landslog* thus works on a completely different basis, directing the reader outside of the work towards Danish authority.

The Old Prologue in Danish Translation and the New Prologue

In the case of manuscripts containing both the old and new prologues, the reader faces two interacting systems; both frames together constitute the parergon. The inclusion of two prologues causes confliction and weakens the connection(s) of the prologue(s) to the law code. The old prologue connects to the law code by virtue of its contents, while contents-wise the new prologue speaks more to an intertextual relationship with the *Jyske lov* and to the external conditions of the law code in the sixteenth century. When both prologues are present, the voice of King Magnus is retained in the old prologue, while the contemporary statement of Danish identity is even stronger with the inclusion of the new prologue than it was in cases when only the translated old prologue was present in the manuscripts. In the medieval manuscripts, the figure of Magnus played a central role in

claiming authority over, as well as lending authority to, the lawbook. This can no longer be the case in Denmark-Norway, diminishing the effect of the voice of King Magnus in connecting the parergon of the old prologue to the Danish translation of the lawbook. The new prologue, which does not mention Magnus and instead harks back only to St. Olaf as the guarantor of Norwegian law and which reaches outside the translated *Landslog* towards the *Jyske lov* rather than heavily interacting with the content of the law code (like we saw in the case of the old prologue in the medieval manuscripts), further weakens the connection of the old prologue with the translated lawbook is further weakened; it becomes more of an “inert supplement” (Heller-Andrist 32) since the voice of King Magnus is severely disrupted.

The two prologues are arranged in different ways in the manuscripts. For example, in AM 79 4to, the new prologue is followed by the old prologue in translation. The old prologue is sandwiched between the new prologue and the register to the whole lawbook, which follows the old prologue (and therefore comes before the law code). In København, Den Arnamagnæanske Samling, AM 321 fol., on the other hand, we find the old prologue (in translation) first in the manuscript (f. 1r-2v), and at the bottom of the old prologue the register to *Þingfararbqlkr* (f. 2v). Following this comes the new prologue (f. 3r-4r), and then *Þingfararbqlkr* itself begins (on f. 4r). In AM 321 fol., the old prologue is distanced from the main text of the law code, while the new prologue is placed after the register to *Þingfararbqlkr*, in a closer proximity to the law code itself. These two examples of manuscripts thus present opposite systems of ordering the prologues and perhaps also reflect the conflict introduced by two prologues and the weakened connection of the parerga to the law code. Nor can the registers, previously identified as important places of transition between the parergon and ergon, be securely identified as borders between the prologue(s) and lawbook in manuscripts that have both the old and new prologues, since their placement also differs in the manuscripts.

The Old Prologue in Old Norwegian and Danish Translation and the New Prologue

In NB Ms. fol. 5, we also find a conflicting system of prologues, since in this manuscript there are three versions of the prologue. First is the new prologue to the *Landslog*, and then following this is the old

prologue presented in two columns; the original in Old Norwegian and then a Danish translation of the old prologue in the second column. There is a register to *Bingfararbqlkr* beginning on a new leaf after the end of the dual presentation of the old prologue. This case of having three versions of the prologue is similar to the analysis above of the presence of both the old prologue (in translation) and the new prologue; the parergonal effect of the prologues on the law code is weakened. The prologue in Old Norwegian reaches for a version of the *Landslog* that is no longer there; the voice of Magnus Lagabøte reaches for an authority that is no longer his and the new prologue points to the new reality of Denmark-Norway and the introduction of Danish as the language of law.

The New Prologue and the Prologue of Matthias Scavenius

Six manuscripts contain a prologue written by a man who identifies himself as Matthias Scavenius. He is otherwise unknown. Matthias writes a learned prologue, which is rather long (roughly three times the length of the new prologue) and which is self-conscious in its display of its author's learning. The most substantial part of the prologue focuses on justice and the fairness of the law, and makes extensive reference to classical authors, such as Plutarch and Pisanus.³¹ Further sections of the text are based on Cicero's *De Officiis* ("On Duties"), and the author makes references to the story of Sisamnes, who Herodotus tells is the unjust judge under King Cambyses of Persia, who was flayed alive for accepting a bribe and his skin used to cover the seat of judgement upon which his son then had to sit and deliver judgement. There are also three short poems in Danish included in the text. This prologue approaches the law from the position of a subject who will be judged by his superiors, and focuses on cautioning that this must be done justly.

The conclusion drawn in the prologue is that it is Norway's law-book that will provide people with the protection necessary:

Saa haffue vy oc her i Norgis Rige en gudfryctig oc viss
 Maade som er Norgis Logbog at effterfølge huilcken vor
 allernaadigste Herre oc Koning Koning Friderich den anden
 til Danmarck oc Norge haffuer loffuit alle Norgis indbyggere
 at de skulle sig effter den rette: oc hans Naade vil denem

31. This is probably Huguccio Pisanus, the twelfth-century Italian canon lawyer. He wrote a "Summa" of the *Decretum Gratiani*.

32. As far as I am aware, Matthias Scavenius' prologue has never been published. I am citing the version found in AM 32 8vo, f. 4r-8v.

derunder beskierme oc ved mact holde. (København, Den Arnamagnæanske Samling, AM 32 8vo, f. 7v)³²

(So we have and here in the kingdom of Norway a god-fearing and certain way, which is to follow Norway's lawbook, which the most merciful lord and king King Fredrick the Second of Denmark and Norway has promised all Norway's inhabitants that they should follow it: and his mercy will protect them under it, and maintain it with his power.)

This introductory sentence to a new section of the prologue praises the power of Norway's own law, even if it is upheld by a Danish king. This is the beginning to a section of the prologue in which the author explains the need for a translation of "Norgis Logbog" (AM 32 8vo, f. 7v) ("Norway's lawbook"). The prologue continues with an explanation that the Norwegian lawbook

er funden ganske vklar saa at der icke findes saa i den ene som i den anden Logbog at de som hinde først haffue fordansked icke haffuer den saa klarligen *emenderit* oc *puncterit*, som det sig med rette burde en part onde oc wforstandige Skriffuers skyld som icke haffuer forstaait det som de haffue sielffue skreffuit (AM 32 8vo, f. 7v)

(is found to be very unclear so that there is not to be found in one what there is in another lawbook, because they who translated the first one into Danish have not so clearly emended and punctuated it as they really ought to have; it is partly to be blamed on the disorder and incomprehensibility of scribes, who have not understood what they themselves have written)

This expression of frustration that the variability in the Danish translations of the lawbook made it not fit for purpose accord with, for example, the sentiment expressed in the printed lawbook of 1604, discussed below. The author's solution to this is a claim that he himself has taken many lawbooks, compared them, put the resulting text "paa ræt Danske" (AM 32 8vo, f. 8r) ("into correct Danish"), and explained all the main articles of the law in the margins, and in addition, noted the relevant Bible verse in the margin where the secular law is in accordance "med Guds Log" (AM 32 8vo, f. 8r) ("with God's law"). Before moving on to his conclusion, the author deflects any criticism that such a work "kommer icke offuereens med den gamle Norske

Logbog” (AM 32 8vo, f. 8r) (“is not in accordance with the old Norwegian lawbook”), highlighting that the lawbook has quite another character stripped of the voice of Magnus and presented in the Danish language. It is clear though that the author wishes to emphasise the need for a consistent lawbook in correct Danish, and to note its intertextual points of correspondence with the Bible, whilst, with the references to classical authors and a scholarly way of comparing and building a text, giving the whole enterprise a learned air. The prologue ends by returning to the need for mercy, citing “Christi gyldene Regel” (AM 32 8vo, f. 8v) (“Christ’s golden rule”), do not treat others in ways that you would not like to be treated, bringing the prologue full circle back to its initial focus on justice and mercy.

Scavenius’ prologue as parergon, like the new prologue, directs the reader outside of the work with its reference to other authors and tales. Derrida describes a parergon as “half-work and half-outside-the-work, neither work nor outside-the-work and arising in order to supplement it because of the lack within the work” (122). It would appear from the promises of the author to provide an annotated law code that he anticipated his contribution as filling the lack he perceived in the code – especially at the crossover points of the law and the Bible. If friction is “effected by incompatibilities between work and frame” (Heller-Andrist 11), then here we might identify friction between this parergon and the law code. The parergon is not interested in the contents of the law code, but the method of its application (mercy, justice). As discussed above, this friction is itself a symptom of parergonality (Heller-Andrist 12).

There is some manuscript evidence that suggests that Scavenius’ prologue was seen as an independent piece in comparison to the old and new prologues. For one, Scavenius’ prologue appears in the manuscripts in conjunction with the new prologue, it does not replace it. For example, Scavenius’ prologue comes foremost in the manuscript AM 320 fol., following the title page. After Scavenius’ prologue comes a list of the sections of the law (p. 9), and following this the new prologue (p. 10). The new prologue has the heading “Ting fare Balck” at the tops of the pages, but it is not until the prologue is finished that we find the register for the section. AM 32 8vo has the same arrangement, except that the pages in between Scavenius’ prologue and the new prologue (f. 9r-11v) are blank. Clearly it was intended that another text or register should be copied into this space, separating the two prologues, but this was never done. Oslo, Nasjonalbiblioteket, NB Ms. 4to 1392 contains the new prologue and the translated *Landslog*, at the beginning of the manuscript, but then contains Mathias Scavenius’ prologue

at what was originally the end of the manuscript (according to Storm and Keyser 786 the material after Scavenius' prologue in the manuscript has been added later). This placement of a prologue is unusual and may indicate that it was seen as a somewhat independent or separate text in comparison to the other legal prologues.

The separation of the Mathias Scavenius prologue from the law code may call the status of Mathias Scavenius' prologue as parergon into question; as Duro states, "a parergon cannot be identified as a thing in itself, but only in relation to something recognised as the main work (the ergon)" (26). If the Scavenius prologue can be separated from the law code, the relationship of prologue as parergon to law code as ergon is diminished, since its function as frame is lost.

The Prologue to the Lawbook of 1604

The publication of the lawbook of 1604 marked the first time the *Landslog* was printed. The printed edition is a translation into Danish and is also a revised version with the aim of removing inconsistencies apparent in the various translations circulating before this point in manuscript form.³³ The book was printed in Denmark, and sent to Norway for circulation, since at this point Norway did not have its own printing press. The prologue found in the lawbook of 1604 is a new prologue written for the occasion of the publication of the printed edition. The prologue is written in the voice of Christian IV (reigned 1588–1648), and, like the new prologue in the manuscript translations, also draws on the contemporary prologue to the *Jyske lov*, a revision and modernisation of which had been printed in 1590.³⁴ In common with the 1590 prologue to the *Jyske lov*, the main focus of the 1604 prologue is an explanation regarding the necessity of a revised and translated version. The contents of the lawbook are also revised because, as explained at length in the prologue, numerous kings through the centuries have issued amendments and open letters, with the result that

icke alle stemmer met hin anden offuer eens, men somme steder findis at vere tuert imod huer andre: saa at huad den ene rettebod tillader oc befaler, det forbiudes offte vdi en anden (Hallager and Brandt 4)

(not everything agrees in accordance with other things, but some places are to be found that directly disagree with each

33. The lawbook of 1604 contains some misunderstandings and inaccuracies in the translations. For an analysis of the 1604 translation in comparison to manuscript translations see Leslie-Jacobsen, "Translation". For an analysis of the motivations behind the printing of the lawbook of 1604, see Leslie-Jacobsen, "Corrected and Improved".

34. The 1590 *Jyske lov* was printed as *Den rette Jydske Lowbog, Nu Nylige offuerseet, Corrigerit oc Dansken Forbedrit Aar M.D.LXXXX.*

other: so that what one amendment allows and orders, is often forbidden by another)

That the Danish *Jyske lov* influences the 1604 prologue is another statement of Danish authority in Norway. The voice of Christian IV is prominent in the prologue to the *Jyske lov*; his name is mentioned right at the beginning of the 1590 lawbook as dealing with the “stor brøst” (sig. A2r) (“large defects”) in the *Jyske lov*, and similarly the 1604 lawbook also begins with the name of Christian IV.

Another main focus of the prologue concerns the obscure nature of the old Norwegian law code and the Danish translation found in the printed lawbook. The lack of clarity in the old lawbook means that “ordene texten oc stilen icke haffuer verit saa tydelig” (Hallager and Brandt 3) (“the words, the text and the style have not been so clear”). It is pointed out that the language has changed so much that the people cannot understand the old language of the lawbook³⁵ and that “det er gantske faa folck vdi Norge (laugmendene vndertagen)” (Hallager and Brandt 4) (“there are rather few people in Norway (the lawmen excepted)”) that can cope with it.

Above I argued that the parergonal effect of the old prologue rested on the interaction of the voice of Magnus Lagabøte with the Old Norwegian law code. While the old prologue reaches into the *Landslog* with the voice of Magnus, the new Danish prologue reaches outwards towards the Danish authority of the *Jyske lov*. What then of the prologue to the lawbook of 1604? Unlike the new prologue to the *Landslog*, the reference to St. Olaf is also removed in the prologue to the lawbook of 1604. In the printed lawbook, the voice of the king of Denmark-Norway, Christian IV, has been instated as the giver of the new lawbook. In this prologue, the parergonal effect of the prologue reaches both into the law code with the voice of the king, and out of it, towards Denmark. The site of interaction with the law code can be located not only in the voice of the king, but also in the emphasis on the revisions of the content and the Danish language, explained in the prologue and visible in the code. The prologue as frame also connects the law code to its wider context in the Danish realm, as the king remarks in the prologue that he “er kommen til regimentit, offuer forskreffne norsk lowbogs vrichtighed” (Hallager and Brandt 3) (“has come to rule over the written Norwegian lawbook’s inaccuracy”), the king presenting himself as bringer of the true and correct law to Norway.

35. Described as “det gamle norske sprog som for nogle hundrit aar haffuer verit brugelig, paa huilcken oc lowen aff forsten er skreffuen” (Hallager and Brandt 3–4) (“the old Norwegian language, which has been in use for hundreds of years, in which the law was also first written”).

Conclusion

Above I have presented an updated overview of the different prologues associated with the *Landslog*, and considered how the prologue is transformed into different versions. Each of the prologues exerts a parergonal influence on the law code itself. While this functions differently for each prologue, it is clear that the translation of the law code into Danish had a profound effect on the development and transformation of the prologues. The old prologue to the *Landslog* interacts with the law code via the authoritative voice of Magnus Lagabøte. The new prologue, on the other hand, prioritises an intertextual relationship with the Danish *Jyske lov*, guiding the reader outside of the law code itself. Manuscripts containing both the old and new prologues present a mixed and conflicting system, with the parergonal effects of the prologue severely weakened. The prologue of Matthias Scavenius is a learned prologue leaning heavily on other sources to build the narrative and is transmitted with the new prologue in the manuscripts, and since there is evidence that this prologue could be separated altogether from the law code, the function of this prologue as a parergonal frame can also be called into question. The prologue to the lawbook of 1604 interacts with the law code by virtue of its focus on the changes made to the lawbook when it was printed, which the reader can then expect to meet in the law code itself. Its focus on the Danish language also provides a point of connection with the context of the lawbook as a code sent from Denmark. I have also demonstrated that the sites where the prologue/parergon and law code/ergon meet can be identified in the manuscript tradition, for example by looking at the location of registers in the manuscripts, and that the examination of individual manuscripts can be profitably combined with the study of the contents of the texts when studying prologues preserved in manuscripts as parerga.

Bibliography

- Bagge, Sverre. *From Viking Stronghold to Christian Kingdom: State Formation in Norway, c. 900-1350*. Copenhagen: Museum Tusulanum Press, 2010.
- Bagge, Sverre, and Knut Mykland. *Norge i Danskertiden: 1380-1814*. Politikens Danmarks Historie 5. Oslo: Cappelen, 1987.
- Den rette Judske Lowbog, Nu Nylige offuerseet, Corrigerit oc Dansken Forbedrit Aar M.D.LXXXX*. Copenhagen: Mads Vingaard, 1590.

- Derrida, Jacques. *The Truth in Painting*. Trans. Geoff Bennington and Ian McLeod. Chicago: The University of Chicago Press, 1987.
- Duro, Paul. "What Is a Parergon?" *Journal of Aesthetics and Art Criticism* 77.1 (2019): 23–33. [Online](#) (last access September 2022).
- Fögen, Marie Theres. "The Legislator's Monologue: Notes on the History of the Preambles." *Chicago-Kent Law Review* 70 (1995): 1593–1620.
- Gelting, Michael H. "Hvem var opænbare gen guth i Jyske Lovs Fortale?" *Fund og Forskning* 52 (2013): 9–54.
- Hallager, Frederik, and Frederik Brandt, eds. *Kong Christian Den Fjerdes Norske Lovbog af 1604*. Christiania: Feilberg & Landmark, 1855.
- Helle, Knut. "The Norwegian Kingdom: Succession Disputes and Consolidation." *The Cambridge History of Scandinavia: Prehistory to 1520*. Ed. Knut Helle. Cambridge: Cambridge University Press, 2003. 369–91.
- Heller-Andrist, Simone. *The Friction of the Frame: Derrida's Parergon in Literature*. Tübingen: Franke Verlag, 2012.
- Horn, Anna Catharina and Robert Kristof Paulsen. "Holm Perg 34 4to". *The Emroon Database*. [Online](#) (last access September 2022).
- Horn, Anna Catharina. "Lovrevisjonene til Magnus Håkonsson Lagabøte – En historiografisk gjennomgang." *Maal og minne* 110.2 (2018): 1–27.
- Imsen, Steinar, ed. *Legislation and State Formation: Norway and Its Neighbours in the Middle Ages*. Oslo: Akademika, 2013. Print.
- Trondheim Studies in History.
- Keyser, Rudolph, and Peter Andreas Munch, eds. "Den Ældre Frostathings-Lov." *Norges Gamle Love Indtil 1387. Norges Love ældre end Kong Magnus Haakonsson's Regjerings-Tiltrædelse i 1263*. Vol. 1. Christiania: Chr. Grøndahl, 1846. 121–258.
- Kong Christian Den Femte Norske Lov af 15de April 1687*. Kiøbenhavn: Trykt hos ... Joachim Schmedtgen, 1687.
- Leslie-Jacobsen, Helen F. "Translation and the Fracturing of the Law: The Motivation Behind the Norwegian Law of 1604." *RMN Newsletter* 15–16 (2020–21): 57–65.
- . "Corrected and Improved: The Motivation Behind the Printing of the Norwegian Lawbook of 1604." *Scandinavian Studies* (forthcoming).
- Norske Lov-Bog, offuerseet, cor-Rigerit oc forbedrit Anno M. DC.III*. Kiøbenhaffn: Henrich Waldkirch, 1604.
- Pryce, Huw. "The Prologues to the Welsh Lawbooks." *Bulletin of the Board of Celtic Studies* 33 (1986): 151–87.
- Rindal, Magnus, and Bjørg Dale Spørck, eds. *Kong Magnus Håkonsson Lagabøtes Landslov. Norrøn tekst med fullstendig variantapparat*. Vol. 1. Norrøne Tekster 9. Oslo: Arkivverket, 2018.
- Skautrup, Peter, Stig Iuul and Peter Jørgensen. *Danmarks gamle landskabslove med kirkelovene*. Vols 2–4. Det Danske Sprog- og Litteraturselskab. København: Gyldendal, 1933–61.
- Somerville, Robert, and Bruce C. Brasington. *Prefaces to Canon Law Books in Latin Christianity: Selected Translations, 500-1317*. 2nd ed. Studies in Medieval and Early Modern Canon Law 18. Washington, DC: The Catholic University of America Press, 2020.
- Storm, Gustav, ed. *Laurents Hanssøns sagaoversættelse*. Trans. Laurents Hanssøn. Videnskabselskabets Skrifter. II Historisk-Filosofisk Klasse, 1898 No. 1. Christiania: Jacob Dybwad, 1899.
- . *Om Haandskrifter og Oversættelser af Magnus Lagabøtes Love*. Christiania Videnskabselskabs Forhandling 14. Christiania: Jacob Dybwad, 1879.
- Storm, Gustav, and Rudolph Keyser. *Norges Gamle Love Indtil 1387 Fjerde Bind, indeholdende Supplementer til de tre foregaaende Bind samt Haandskriftbeskrivelse med Facsimiler*. Vol. 4. Christiania: N.p., 1885.
- Sunde, Jørn Øyrehagen. "Daughters of God and Counsellors of the Judges of Men: Changes in the Legal Culture of the Norwegian Realm in the High Middle Ages." *New Approaches to Early Law in Scandinavia*. Ed. Stefan Brink and Lisa Collinson. Turnhout: Brepols, 2014. 131–83.
- Tamm, Ditlev, and Helle Vogt, eds. *The Danish Medieval Laws: The Laws of Scania, Zealand and Jutland*. Medieval Nordic Laws. London: Routledge, 2016.
- Treschow, Michael. "The Prologue to Alfred's Law Code: Instruction in the Spirit of Mercy." *Florilegium* 13 (1994): 79–110.