

Mediality and usage of medical laws: the case of the Hälsinge Law

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In the autumn of the year 1374, the Archbishop of Uppsala in Sweden undertook a probably-rare journey to his flock in the north. We know little for certain about how often he regaled the northerly parts of his realm with inspection journeys, since we have no written accounts of these, but one assumes that he (or at least a substitute) must at times have had to pay visits to his vicars and parishioners there, in Norrland. Seldom, it seems, did men of regal or noble rank dare to venture north of the river Dalälven, which more or less cuts Sweden in half, creating a border called (by scientists) *Limes Norrlandicus*. The probable aim of this unique northward journey by the archbishop has in the past been seen as the settlement of a dispute which was of great importance for the archbishopric, and for the emerging country of Sweden: a dispute over the border between the Diocese of Uppsala and the Diocese of Åbo in Finland, and also over the border between Sweden and Norway.¹ This conclusion was reached by comparing existing editions of the provincial law for this part of Sweden, the so called Hälsinge Law, in which a description of the border (an enumeration of boundary-markers) between Norway and Sweden was found as an *addendum*, in the *Dingmalabalker* ('Section dealing with the legal process').

During this examination tour in the autumn of 1374, Archbishop Birger of Uppsala travelled with the authorized law clerk (the Vicar of Til-

1. Nils Ahnlund, "Rannsakingen om stiftsgränsen i Norra botten 1374", (*Svensk Historisk tidskrift* 40 (1920) pp. 211-24.

linge, Olaus Nicolai) along the coast of northern Sweden. The clerk took minutes of all meetings. On the 1st of October, at the harbour of Härnösand in Ångermanland, a certain Nils Petersson from Utnäs in the parish of Styrnäs witnessed that he had personally been present to see the 'renovation' of boundary-markers in Uleå by the Bailiff of Hälsingland, Torsten Styrbjörnsson, in 1346; he added that in the Law Book of Hälsingland (*in libro legum terræ Helsingoniæ*) was written: *Swa äru Hälsingia Raa som byrja i Vlo Thräski, oxh ledhir äptir Isma femptan wikna langan* ('Thus is the Hälsinge border, which starts in Vlo Thräski, and leads after Isma fifteen 'vikor' (a rowing distance) long'). This important statement needed to be checked, of course, and this was done at the next examination in Ragnholmsund, in the parish of Selånger, in the province of Medelpad, on the 7th of October. This place was obviously chosen because it was stated that to the Church of Selånger, with iron chains, was attached the main copy of the Hälsinge Law: a copy which took precedence over all other copies.² The Vice-Judge of Hälsingland, Henrik Djäkn from Sund in Selånger, had been ordered to bring the Law Book (*librum legum terre Hælsingie*) – together with the iron chains – to Ragnholmsund for the examination. On this occasion, it was concluded that the *addendum*, or the fifteenth paragraph, of the *Pingmalabalker* was written with the same scribal hand as the rest of the Law Book: *Swa skiptis landum twæggia kununga mællum. at Swerikes oc Norighis byrias j Vlothræski oc ledhir vt j jsmæ xv vikna langæn. þa a Swerikis kunungir væstæn oc sunnæn. æn Norighis konungir østæn oc nordhæn.*³ The examination continued nine days later, on the 16th of October, in the harbour Svartasund, in the parish of Norrala in the province of Hälsingland. For this occasion, three copies of the Hälsinge Law had been brought there. Where these copies were kept is not mentioned, but one might guess that they were kept at the three royal farms (called *Kungsgården*) found in the province, or at their adjacent churches, in Norrala, Hög and Jättendal: the judicial centres of the three thirds or ridings (*OSw pripiungs*), into which the *land* (Hälsingland) was divided during the

2. Axel Nelson, "Inledning till studiet av Hälsingelagen och dess texthistoria enligt Cod. Ups. B49", *Rättshistoriska studier* 2 (Skrifter utgivna av Institutet för rättshistorisk forskning. 2 Serien) (Stockholm 1957), pp. 54-103, p. 74.

3. *Diplomatarium Norvegicum* 3:1 (Christiania 1853), p. 302 f.; cf. Axel Nelson, "Inledning till studiet av Hälsingelagen och dess texthistoria enligt Cod. Ups. B49", p. 74.

Middle Ages.⁴ Again the archbishop had the *addendum* or the fifteenth paragraph read out, and it was found that they corresponded both with each other and with the Selånger copy. This examination revealed that the witness statement by Nils Petersson in Härnösand could not have been correct. The *Vlothræski* mentioned could not be the large lake 'Ule träsk' in northern Finland, but was rather the lake 'Ulen' in Sørli, Trøndelag, in Norway.⁵ Axel Nelson has put forward the interesting hypothesis that the only existing manuscript we have of the Hälsinge Law (Cod. Ups. B49) could actually be one of the copies used at the examination in Svartasund.⁶

Olof Holm has, in a thorough and excellent study, analysed this and similar descriptions, treaties and witness-letters giving information on the border.⁷ The most important finding of his analysis is that the border description in the Hälsinge Law, which was probably edited and written around 1320–40, must be looked upon as an old – obsolete – intrusion into the law, and that it probably describes a border-situation which is nearly a century older than the written Hälsinge Law; it describes the border between Norway and Sweden pre-c.1220. This fact could be used to argue that the primary aim of the visit of the archbishop was not to settle border disputes, as had been thought, but in fact to check the existing copies of the Hälsinge Law, to make sure that they were congruent with that considered to have precedence over the others: the copy (mentioned above) chained to the church at Selånger in Medelpad.

This assumption by Holm finds support in analyses by Axel Nelson of the background to the writing of the law, and its textual situation. Nelson claims that the individual who had the law edited and written, the Arch-

4. See Stefan Brink, "Hälsinglands äldre bebyggelsehistoria. Ett försök till en syntes", in S. Brink (ed.), *Hälsinglands bebyggelse före 1600* (Bebyggelsehistorisk tidskrift 27) (Stockholm 1994); cf. also Stefan Brink, *Hälsinglands äldsta skattelängd. Hjälpsskattelängden "Gärder och hjälper" från år 1535* (Skrifter utg. genom Ort-namnsarkivet i Uppsala. Ser. C. Källskrifter 2) (Uppsala 1994) and Stefan Brink, *Sockenbildning och sockennamn. Studier i äldre territoriell indelning i Norden* (Acta Academiae Regiae Gustavi Adolphi 57) (Uppsala 1990).
5. See Olof Holm, "Den norsk-svenska riksgrensens ålder och hävd. En studie av rikssamlingsprocesser och gränsbildning i mellersta Skandinavien", *Collegium Medievale* 16 (2003), pp. 135-237, esp. 229-30.
6. Axel Nelson, "Inledning till studiet av Hälsingelagen och dess texthistoria enligt Cod. Ups. B49", p. 77.
7. Olof Holm, "Den norsk-svenska riksgrensens ålder och hävd. En studie av rikssamlingsprocesser och gränsbildning i mellersta Skandinavien".

bishop of Uppsala, Olof *sapiens*, had an inclination to preserve old documents and to take transcriptions of them. In this case, it was an old (obviously obsolete) enumeration of boundary-markers between Norway and Sweden, which he wanted to include in the Law Book.⁸

This rather unique examination tour by the archbishop reveals that there were several copies of the Hälsinge Law in use in the judicial district covered by the Hälsinge Law ('Hälsingland', comprising not only the province of Hälsingland but all of the Swedish 'lands' in the north), and that there must have been some textual correspondence between them; perhaps they were even identical.⁹ At a guess, these copies were placed at the legal foci of the administrative and judicial districts (the *land* and the *pripjung*) which probably were – or had been – the royal farms (called *Kungsgården*), in Norrala, Hög, Jättendal and Selånger,¹⁰ or (later on) probably the main churches nearby.

8. Axel Nelson, "Inledning till studiet av Hälsingelagen och dess texthistoria enligt Cod. Ups. B49", p. 83.
9. For a new analysis of the Hälsinge Law, see Stefan Brink, "Hälsingelagens ställning mellan väst och syd, och mellan kung, kyrka och lokala traditioner", *Kungliga Vitterhets Historie och Antikvitets Akademiens Årsbok 2010* (forthcoming).
10. As for the province of Ångermanland, the situation is more uncertain. For medieval Ångermanland, see Nils Blomkvist, "Bondelunk och utmarksdynamik. Samhällsutveckling i Medelpad och Ångermanland före 1600", *Ångermanland-Medelpad. Ångermanlands och Medelpads hembygdsförbunds årsbok* (Härnösand 1986), pp. 49-103; and Leif Grundberg, *Medeltid i centrum. Europeisering, historieskrivning och kulturarvsbruk i norrländska kulturmiljöer* (Kungliga Skytteanska samfundets handlingar 59; *Studia archaeologica Universitatis Umensis* 20) (Umeå 2006).