

## Medieval Legal Manuscripts as Scanian Linguistic Evidence

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### Abstract

After almost four centuries of Swedish assimilation policies, the former Danish province of Scania is losing the grip on its linguistic peculiarities, defined as East Danish, in an almost total absence of tools for the study of this linguistic variety. Such absence is even more regrettable, as the Scanian language was the first language of Scandinavia to be standardised and recorded in legal texts such as the Law of Scania and the Church Law of Scania.

For the history of the Scanian language, younger manuscripts of these legal texts may give some information on how the language evolved (and preserved some peculiarities) up to the Swedish invasion, when a violent assimilation process was enforced. This result can be obtained by examining the changes both in spelling and in wording that occurred to make the ancient text intelligible through time.

**Key Words** – Scandinavia; Scania; Skånske Lov

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## 1. Introduction

The southernmost tip of the Scandinavian peninsula, the region of Skåne – henceforth referred to by its Latin name Scania, to emphasize the medieval focus of this discussion – is distinguished by its linguistic and cultural features, whose roots date back to the Middle Ages. Of course, the term ‘linguistic’ must here be intended *lato sensu*, and yet it may appear odd how both Danish and Swedish linguists have repeatedly denied that Scanian can be a language, insisting that it must be considered a dialect. The lack of standardisation and a written norm, as well as of political independence, are the main arguments against its identification as a language (Katlev 2006). The Swedish Institut för språk och folkeminne had published on its webpage (24/10/2011) an article arguing that Scanian should not be defined as a language<sup>1</sup>.

Owing to its affinities with both Danish and Swedish, Scanian has at various times been regarded as a dialect of each, initially as East Danish and later as South Swedish. From the Viking Age and until the 17th century, Scania had been almost continuously under Danish rule, but after the Treaty of Roskilde in 1658 the kingdom of Denmark (which at the time included Norway and its dependencies, such as Faroe, Iceland, and Greenland) had to transfer sovereignty over numerous regions and provinces, especially on the south-west coast of present-day Sweden (Jespersen 2016: 313-320).

After the conquest, Sweden adopted a muscular policy of coerced assimilation, banning Danish even in churches, forcing the use of Swedish upon clergy and founding the University of Lund to the purpose of making Swedish the only written language: by the end of the 17th century, Danish had disappeared in writing, although dialectal features persisted among the lower classes – especially in rural areas – until the last century (Haugen 1976: 351). Swedish propaganda involved, first and foremost, the Lutheran church, and it was in-depth and pervasive, in order to achieve complete success (Holm 2005).

Swedish linguistic nationalism peaked at the end of the 17th century in Sweden, when Uppsala Professor Olaus Rudbeck published his four-volume *Atlant, eller Manheim* (1679-1702) to demonstrate that all languages were derived from Swedish and that Sweden was, in fact, the long-lost Atlantis of classical literature (Haugen 1976: 356).

Hence, in 18th-century Sweden, a scholar such as Jonas Floræus could argue that Scania’s history was closer to Sweden than to Denmark and even generally that «the famous Danish nation also has its descent from Sweden»<sup>2</sup>. This attitude is reminiscent of Carl Linnaeus’ account of his journey through Scania, where he says: «Hence, a country of such a pleasant climate cannot but be the most excellent; it is indeed so similar to Germany and Denmark that it could be said that the sea has in some way cut Scania off from the southern countries and added it to Sweden»<sup>3</sup>. The great scientist was determined to ignore that it was not the sea that had separated Scania from Denmark, that those conquered territories had been forcibly assimilated, crushing anti-Swedish resistance with grim determination.

<sup>1</sup><<http://www.sofi.se/11243>>, now deleted, but still readable at <<https://web.archive.org/web/20120501012744/http://www.sofi.se/11243>> (last accessed: 03/12/2024).

<sup>2</sup> Jonas Floræus, *Flores Antiquitatis Scanicae*, ch. viii: *Then berömliga Danska Nationen leder ock sin härkomst ifrån Sverige* (Floræus 1743: 48).

<sup>3</sup> Carl Linnaeus, *Skånska resa*, Företal: «Altså kan et land af så förträffeligt Climat ej annat, än wara det härligaste; ja det liknar så mycket Tyskland och Danmark, at man kunde säga, det hafwet liksom med wåld skurit Skåne ifrån de södre länder och lagt det til Sverige» (Linnæus 1751: vii).

Over the past two centuries, Swedish governmental policies have no longer relied on coercion. Nevertheless, the status of the Scanian language remains problematic. To this day, there exists no comprehensive dictionary of the Scanian dialects, apart from a rather concise glossary of dialectal terms (Lundbladh 2012).

## 2. Scania and Denmark

The time when Southern Scandinavia was politically united with Denmark is a process that cannot always be reconstructed in full detail (Thurston 2002: 274-276).

In the history of medieval Denmark, Scania is generally considered a part of the kingdom, alongside two other counties of present-day Sweden, Halland, and Blekinge. As stated above, all of them have been transferred from Denmark to Sweden less than four centuries ago. In the early 20th-century historiography, a general label *Skånelanden* ‘the Scanian lands’ occurs to include alongside Scania the territories of Halland, Blekinge, and the island of Bornholm – which was originally also transferred to Sweden alongside all other East Danish lands, but soon recovered by Denmark –, mainly in the work of historian Martin Weibull and his sons<sup>4</sup>. In fact, Scania is probably the most relevant of these areas both for economy and culture, as it includes Malmö – the most important Danish trading post on the other side of the Øresund – and Lund, the most ancient archepiscopal seat in Scandinavia.

One of the earliest sources on Scania and the neighbouring counties is found in an addition that was interpolated in the Old English translation of Orosius’ *Historiae adversus paganos*, at the end of the 9th century<sup>5</sup>. The interpolation includes the journey of a man named Wulfstan, describing the lands encountered on his way into the Baltic Sea. Wulfstan’s account mentions Scania and Halland as Danish territories, alongside the present-day west coast of Sweden all the way to Bohuslän (Skovgaard-Petersen 2003a: 169), while Blekinge is grouped with the Swedish territories, and Bornholm is ruled by an independent king.

And yet, in Viking times the situation must have changed constantly and abruptly. Sources confirm that Swedes had taken over Hedeby and Southern Jutland, i.e. the core of the Danish kingdom, in the early 10th century<sup>6</sup>. During this period, Danes were often occupied with their colonies in the British Isles (Naismith 2021: 231-237). Therefore, it is possible that there were fewer resources to defend the Danish homeland.

In the well-known opening chapter of *Gylfaginning*, Snorri Sturluson recounts the myth of the origin of Sealand (*Sjælland* in modern Denmark): the island was separated from Scandinavia through the ingenuity of a King Gylfi who «ruled over the lands that are now called Sweden (*Svíþjóð*)» and was convinced to give a certain amount of his land to a woman, Gefjun, who later separated the island from mainland Sweden through her supernatural powers:

þar setti Gefjun landit ok gaf nafn ok kallaði Selund. Ok þar sem landit hafði upp gengit var þar eptir vatn; þat er nú Löggrinn kallaðr í Svíþjóð. Ok liggja svá víkr í Leginum sem nes í Selundi<sup>7</sup>.

<sup>4</sup> Larsson (2017: 139-140).

<sup>5</sup> The date is discussed in depth by Bately (1970: 439).

<sup>6</sup> Jones (1968: 79); Skovgaard-Petersen (2003a: 174).

<sup>7</sup> Snorri Sturluson, *Gylfaginning* ch. 1, ed. Faulkes (2005: 7).

‘there Gefjun posited the land and gave it a name and called it Sealand. And where the land had gone away, there was a body of water left: this is now called *lōgrinn* (the lake) in Sweden. And there are gulfs in the lake as promontories in Sealand’.

*Lōgr* is found in Norse sources in reference to more than one place (see ONP, s.v. *lōgr*), but in Snorri’s works is usually identified with the Mälaren, which is also called *lōgr* (Faulkes 2005: 172) and might very well have been Snorri’s information. The assertion that there are as many gulfs (*víkr*) in this *lōgr* as promontories (*nes*) in Sealand makes little sense, speaking about Mälaren, though.

To speculate on the origin of Snorri’s legend, it must be observed that when crossing the Øresund, even travellers without a specialized background in geology may notice how the two coasts mostly fit together: the promontory of Malmö fits nicely under Copenhagen, Dragør into the Lommabukt bay, and Nordhavn may correspond to Salviken, even though the coastline may have been somewhat different in Viking-Age Denmark, owing to different factors<sup>8</sup>.

For Snorri and his public, this legend could not possibly involve Scania: it would have been unacceptable in the early 13th century to assume that a king of Sweden had ever ruled over East Denmark. And yet, if one believes Adam of Bremen about Swedish overlordship in Hedeby, it is tempting, though in no way demonstrable, that the legend might bear evidence for an ancient political situation, in which Scania was ruled by a local king. Nevertheless, as Snorri’s phrasing suggests, the mention of a king of a unified *Svíþjóð* ruling over Scania might have been anachronistic. In Adam’s description of his own time (late 11th century), Scania is *pulcherrima visu Daniae provintia* ‘the most beautiful province in Denmark’, but Adam noticed that the peninsula was «almost an island», not only because of its coasts on three sides, but also because of the dense forests covering the hills in the north, that separated the area (possibly larger than present-day Scania, where flatlands predominate) from the rest of Scandinavia<sup>9</sup>.

Concerning this quasi-island status of Scania, it can be noticed that in Old Icelandic literature, this area is called *Skáney* (alternating with *Skáni*): while the first element of the name (*skán-*) and its relation with *Sca(n)thinauia* (i.e. *Scandinavia*) is less clear<sup>10</sup>, the second element of the name (*ey*) undoubtedly can be identified with the modern Icelandic word for ‘island’.

The name is used for instance – in reference to the joint attack against Denmark by the Norwegian King Óláfr (the future Saint Olaf) and the Swedish King Qnundr – in stanza 6 of Sigvatr Þórðarson’s *Knútsdrápa*, composed for King Canute the Great of England and Denmark: here the skald recounts of Canute’s feats as a war leader fighting against the kings of Norway and Sweden, explicitly stating that Canute was defending Denmark and that an enemy king, ‘feller of Danes’, ravaged *Skáney*<sup>11</sup>, so that the reader is left wondering whether Scania really was considered an integral part of the kingdom or rather a tributary territory in the late Viking Age<sup>12</sup>. In any case, for Denmark the possess of Scania was strategical, as it allowed the kingdom to control all passages to and from the Baltic Sea, which was crucial to ensure Denmark’s prosperity in the Middle Ages<sup>13</sup>.

<sup>8</sup> See Mörner (1995: 265-266), focusing on Southern Sweden.

<sup>9</sup> Adam of Bremen, *Gesta Hammaburgensis ecclesiae pontificum*, Book IV, ch. 7, ed. Schmeidler (1917: 234-235).

<sup>10</sup> Cf. de Vries (1962<sup>2</sup>, s.v. *Skáney*: 482-483).

<sup>11</sup> Ed and trans. Townend (2012: 657).

<sup>12</sup> The campaign is summarized by Jones (1968: 381).

<sup>13</sup> Wulff et al. (2001: 21); Zilmer (2006: 246-247, with additional bibliography).

In sum, Scania and the other Southern Scandinavian territories may have been only loosely connected to Denmark, until the kingdom underwent a process of unification following Western European models in the High Middle Ages.

### 3. The Archbishopric of Lund and the Scanian Laws

The kings of Denmark, after uniting the country according to the English model, received from the Pope the acknowledgement that the site of Lund in Scania should be the archbishopric of Denmark. Lund was already politically relevant, as it was the site of the main regional assembly of Scania. Denmark was more stable than the other Scandinavian kingdoms in the 11th century, and this could explain why the Papacy entrusted the Danish king with a national archbishopric, which was to become the metropolitan seat of Scandinavia in 1103 (possibly 1104)<sup>14</sup>.

It is worth reflecting on the reasons that led to set the Danish archbishopric in a town on the other side of the Øresund, while the kings had their main seat on the island of Sealand. Even in the 12th century, Scania appeared difficult to control, as its inhabitants in the High Middle Ages sometimes fought for self-government: a rebellion had taken place in 1180-1182, hence loyal Danish subjects could regard the Scanians as treacherous<sup>15</sup>. The uprising is stigmatised in Saxo's *Gesta Danorum*, and the archbishop's rights (especially the Church tax called tithe) had an important role in the whole affair<sup>16</sup>.

It may be noticed that the revolt happened after Absalon – loyal to the Danish king Valdemar – who was faithful to the Danish king Valdemar, took office as archbishop of Lund (without relinquishing the seat of Roskilde, by papal dispensation), while his predecessor Eskil's grandsons had taken part in a preceding rebellion against Valdemar, forcing him to resign<sup>17</sup>.

*Skånske lov* was written down under the rule of Absalon's successor Anders Sunesen (1202-1223)<sup>18</sup>. The uprisings might have contributed to the decision to record the customary law of the land in writing. In the introductory lines of the Scanian Church Law, the ruling archbishop Eskil affirmed that the people of Scania had requested a new law<sup>19</sup>, while *Skånske Lov* is found in most manuscripts as a collection of legal customs with no introduction.

The Scandinavian provincial laws confirm a principle that was anything but self-evident in the Middle Ages, namely that the inhabitants must understand the laws of the land. This principle is clearly formulated in the prologue to the 13th-century *Jyske Lov*<sup>20</sup>, and can be compared with the situation of England, where customary laws in the vernacular were recorded since the High Middle Ages, and even Canute the Great had issued laws in Old English (published by Lieberman 1903-1916). English influence in the early stages of Christianity in Scandinavia, between the 11th and 12th centuries, was widespread (Sawyer and Sawyer 2003: 150).

Even if the people of Scania can justifiably be proud of this achievement, *Skånske lov* was not necessarily intended first and foremost to guarantee the rights of the Scanians. It

<sup>14</sup> Nilsson (1998: 75-77); see also Sawyer and Sawyer (2003: 154-156).

<sup>15</sup> Cf. Tamm and Vogt (2016: 4).

<sup>16</sup> Saxo Grammaticus, *Gesta Danorum*, Book 15, Ch. 4.1-30, ed. Olrik and Ræder (1931: 524-531).

<sup>17</sup> Skovgaard-Petersen (2003b: 355-357).

<sup>18</sup> Cf. Fenger (2002: 269-273).

<sup>19</sup> Tamm and Vogt (2016: 52).

<sup>20</sup> The exact date of the prologue is a matter of dispute. See Tamm and Vogt (2016: 238-239).

is likely that the archbishop was more interested in recognizing the rights of religious institutions: this would also explain why Archbishop Anders Sunesen had the law soon translated from the vernacular into Latin<sup>21</sup>.

In any case, written laws might also have been almost as incomprehensible for the general population without literacy among the laity. In this context, the copy of *Skånske Lov* contained in the *Codex Runicus*, entirely written in runes, might have been (other than a nationalistic endeavour as it may appear) a way to make the law more understandable, although this may seem odd and highly unlikely to modern readers.

The evidence provided from Norway, from the Bryggen quarter in Bergen, have proved that a Scandinavian society over centuries could use runes as everyday writing in their own language (Spurkland 2005: 173-190), the runes may have been a simpler script for many a layman to read, carved on a material that was both cheaper and more abundant than parchment<sup>22</sup>.

#### 4. Dating *Skånske lov*

It is difficult to determine when exactly *Skånske lov* was written before the oldest preserved manuscript. It may have been a few years or may have had a longer tradition: it is reasonable that Eskil initiated the process of elaborating the Church Law, which was later taken up under his successors, Absalon and Anders Sunesen (Tamm and Vogt 2016: 45-51). Eskil is specifically mentioned in the Scanian Church Law, which was written ca. 1182 (even though the written tradition is younger), and the same applies to *Skånske lov* and its almost contemporary Latin paraphrase ordered by Anders Sunesen. *Skånske lov* can be dated to a time between 1202 and 1216 but are based on an older redaction from the period between 1170 and 1200 (Skautrup 1944: 209). However, establishing a more precise chronology remains difficult<sup>23</sup>.

There are currently as many as 188 known manuscripts of *Skånske lov*, but few can be traced back to the 13th century: the dating of the oldest manuscript (Stockholm, Kungliga Biblioteket, B 74) could be ca. mid-13th century, maybe half a century later than the original<sup>24</sup>. Bjerrum uses this old manuscript to study Old Danish. For the Danish scholar, the language in B 74 must have been in the initial stage of the case reduction, which is one of the most important changes in the Danish language structure during the Old Danish period (Bjerrum 1966: 40). After Bjerrum, Ringgaard analysed the language in the above-mentioned manuscript to determine the extent of influence by Middle Low German (Ringgaard 1986: 181-182), although he later nuanced his claims about the older stages of the Danish language studying other early documents (Ringgaard 1989: 160-165).

The most important manuscript of *Skånske lov* may be Stockholm, Kungliga Biblioteket, B 76, whose language is defined as «Scanian with traces of Zealandic» (Skautrup 1944: 210). The manuscript is actually from ca. 1300, i.e. over a century younger than the time when the law was first written.

Tamm and Vogt (2016: 50-51) chose to base their translation on the text from the aforementioned *Codex Runicus* (København, AM 28, 8o), which could be dated ca. 1280. The same runic manuscript was used as the basis for the old edition in the collection

<sup>21</sup> Skovgaard-Petersen (2003b: 357-358). See also Tamm and Vogt (2016: 48-49).

<sup>22</sup> Cf. considerations in Baker 2023, where the debate is summarized.

<sup>23</sup> See Skovgaard-Petersen (2003b: 357-358); Tamm and Vogt (2016: 47-49); Tamm (2018: 4-6).

<sup>24</sup> Tamm and Vogt (2016: 49-50).

*Danmarks gamle Landskabslove* (Brøndum-Nielsen 1933). Manuscript B 74 has a more archaic language, and yet the editor preferred to follow the criterion of the previous edition (Skautrup 1944: 229-235).

## 5. Texts of the *Skånske lov* over the centuries

A brief analysis of a few paragraphs, taken from Jørgensen's transcription (1999: 185-190), may help to describe the language of the most ancient manuscript (the aforementioned Stockholm, Kungliga Biblioteket, B 74):

[90<sup>v</sup>] ... [212] Fiski gard ma man æy göra frammer. æn til mith strøma. vtan han hafuir fangeth gardfæstu annær wag igen. [213] Ofna mathum oc ængium tha floth gar vp ma hvær man at fiscum fara ær wil. Vm thæt ær almænnigs watn ær vp gar. [214] Star ænnur mylna fore ængium manna. swa at hun ma spilla them. tha taki hin vp stiborth sit ær mylnu á. á pingis dag aftnj. oc sæti æy ater nithær før æn ofna michæls mæssu aftnj. Wil hin ær mylnu á æy taka stiborth sit vp ofna pingisting dag aftnj. tha fari hina ær kæra ofna hæras thing. oc sigi til. oc thingmæn læggi lag [91<sup>r</sup>] stæfnu til. at hin taki vp stiborth sith. Wil han æy at them stæfnu dagi sith stiborth vp taka. bôte spial ofna ængium. oc til siax øra. ællar siata mans eth. [215] *vm man hittir annar man j siango mæth sinnj athalkunu.* Hittir man annar man j siango mæth sinnj athalkunu. oc dræpær bondan horkal j siango mæth hænnj. Tha scal han til things föra. bæthe bulstær. oc ble mæth twigia manna vithni. at han drap thæn man j siango mæth hænnj. oc æy annar stad. At swa gero. læggi han vtan kirkiu garthe. ofna vgildum akri. [216] Far horkarl sar j siango mæth annars mans kunu. oc cumbær lifuande bort. oc scriftær sic. oc dør sithan af thy sare. tha grafuis [*f ov.l.*] han j kirkiu garthe. oc vare tho vgildær fore bondanum.

‘[212] A man may not put a fish farm farther forward than the midstream, unless he is allowed to put a fish farm on the other bank as well. [213] On marsh and meadows that are flooded, every man who wishes may go fishing, if it is public water that comes up. [214] If a mill stands in front of the meadows of men, so that the mill may harm them, then the one who owns the mill must take up his sluice gate on Whitsunday and not put it down again until Michaelmas Eve. If the owner of the mill will not take up his sluice gate on Whitsunday, then those who complain about it must go to the district thing and denounce him, and the men of the *thing* must set a provision that he must take up his sluice gate. If he will not take up his sluice gate on the day set by the court, then he shall pay a fine for the damage to the meadows, and six cents or <give> a sixth-man's oath. [215] *If a man finds another man in bed with his wife.* If a man finds another man in bed with his wife, and the husband kills the adulterer in bed with her, then he must bring both duvet and sheet to court with two men's witness that he killed that man in bed with her, and nowhere else. When this is done, he (the adulterer) must be laid outside the cemetery in the field, and no fine shall be given for him. [216] If the adulterer gets a wound in bed with another man's wife, and he comes away alive and confesses, and he dies of that wound, then he shall be buried in the churchyard, and the husband shall not pay for him’<sup>25</sup>.

The section provides words that show neither *infortisvækkelse* ‘merger of unstressed vowels’ nor *klusilsvækkelse* ‘lenition of consonant stops’, such as *taka* ‘take’, *siata* ‘sixth’, *dræpær* ‘slays’, *sic* ‘himself’, *sigi* ‘say’ (subjunctive), and unassimilated *vatn* ‘water’, *mylna* ‘mill’, and *stæfnu* ‘process’, while they display breaking in words such as

<sup>25</sup> Translation based loosely on Tamm and Vogt (2016: 91).

*siang* ‘bed’ and *siax* ‘six’. The *Codex Runicus* already displays some younger forms such as assimilated *mylla* for earlier *mylna* or *sihi* for *sigi* with etymological [g] weakened to a fricative<sup>26</sup>.

A new edition of B 74 by Britta Olrik Frederiksen is to be published, as announced on the webpage of the Danske Sprog og Litteraturselskabs<sup>27</sup>. This new edition, based on the oldest manuscript, will prove a useful contribution to the history of the Danish language, but also of the East Danish linguistic variety.

I have gathered the same passage from a younger manuscript, København AM 39 4to, which can be dated back to 1490-1510, at the end of the time of the Kalmar Union. This manuscript probably has a Scanian origin, as it also includes other texts that were relevant in Scania (*Skånske stadsret*, *Privilegium for Landskrone*), even though it is reported as a Danish manuscript<sup>28</sup>. There is no contradiction in this, as Scania was Danish at the time: and yet to just give Danmark as the place of origin can be misleading.

This is the text in the form at the turn of the 15th century:

[212] fiskæ gartha ma man æy gora frammer æn til mit strømæ. vthan han haffuer fangeth garth fæstu annær vagh igen. [213] Offna madum oc ængium tha flodh gar op ma hwær man ath fiskum fara ther wil om thæt ær almenings vatn ther op gar. [214] *Staar mølle for ængh* Star annar mølna fore ængium manna swa at hwn maa spilla thøm Tha taghi hin op stiborth sith ther mølnu a apingisdaghe affthen. Och sæti ather nither æy før æn offna michils missæ afftne. Vil æy hin ther mølni a taka stiborth sith op. offna pingisdaghæ afften Tha fari hini ther kæra vilia offna herritztingh Oc sighi til oc tingmæn læggi lagh steffnu til Ath hin taghi op stibort [Bl. 67r] sith vil han æy ath then lag steffnu stiborth sith op thage. Bøth spial offna ængium och til sæx øra ellar siætha mans eth. [215] *Then trætiende bogh (Om hoor)* Hittær man annar man j siængo med sinni athelkunu oc bondæn dræper horkarl j sænghe *med* henne Tha skal han til tings fare bade *med* bulster oc ble *med* twiggia manna vithni At han drap then man i sænghe *med* henne oc ey annar stath At swa gøro liggi han vthan kirkiu garthe offna vgildum akre. Om horkarl [216] Faar horkarl saar i sænghe *med* annars mans kunu och komber borth liffuande och scriffter sigh. och dør sithan aff thy sare tha graffuis han i kirkio garthe oc ware tho vgilder fore bondanum<sup>29</sup>.

‘[212] A man may not put a fish farm farther forward than the midstream, unless he is allowed to put a fish farm on the other bank as well. [213] On marsh and meadows that are flooded, every man who wishes may go fishing, if it is public water that comes up. [214] *If a mill stands in front of a meadow.* If a mill stands in front of the meadows of men, so that the mill may harm them, then the one who owns the mill must take up his sluice gate on Whitsunday and not put it down again until Michaelmas Eve. If the owner of the mill will not take up his sluice gate on Whitsunday, then those who complain about it must go to the district thing and denounce him, and the men of the *thing* must set a provision that he must take up his sluice gate. If he will not take up his sluice gate on the day set by the court, then he shall pay a fine for the damage to the meadows and six cents or <give> a sixth-man’s oath. [215] *Thirteenth book (on adultery).* If a man finds another man in bed with his wife, and the husband kills the adulterer in bed with her, then he must go with both

<sup>26</sup> The text of the *Codex Runicus*, København, AM 28, 8°, (bl. 70r-71v), can be read at <[https://tekstnet.dk/books/anon\\_skaanske-lov-am28/001/](https://tekstnet.dk/books/anon_skaanske-lov-am28/001/)> (last accessed: 03/07/2024).

<sup>27</sup> <<https://dsl.dk/projekter/b74-af-skanske-lov-og-skanske-kirkelov>> (last accessed: 03/07/2024).

<sup>28</sup> The description is reported at <[handrit.is/manuscript/view/da/AM04-0039](https://handrit.is/manuscript/view/da/AM04-0039)> (last accessed: 03/11/2024).

<sup>29</sup> AM 39 4to, f. 66r-66v. The digitised manuscript can be read at <<https://handrit.is/manuscript/view/da/AM04-0039>> (last accessed: 03/07/2024).



duvet and sheet to court with two men's witness that he killed that man in bed with her, and nowhere else. When this is done, he (the adulterer) must be laid outside the cemetery in the field, and no fine shall be given for him. [216] If the adulterer gets a wound in bed with another man's wife, and he comes away alive and confesses, and he dies of that wound, then he shall be buried in the churchyard, and the husband shall not pay for him'.

Even though the text surely follows closely the ancient models in wording and orthography and therefore displays several archaic spellings, there are numerous features that confirm the younger age of this text: words such as *taghe*, *sænghe* (alternating with an older *siængo*), *mølle*, *sighi*, *tings* are clearly younger, as well as the new pronoun *ther* for older *ær* (continuing in modern Danish *der*). An important change might be *annar mølna* for *ænnur mylna*, not just for the phonetics (*y* > *ø*), but because it could be a sign that the author of the manuscript does not distinguish feminine and masculine of the adjective and uses *annar* in both cases.

Some forms, such as *affithen* for *aftni* or *mølmi* for *mylnu*, cannot be accounted for solely by phonological change; rather, they may be indicative of a broader morphological crisis. This development may be of considerable antiquity, as even the aforementioned oldest manuscript erroneously uses *bondan* as a subject in this passage, instead of the expected nominative form *bonden*, which is correctly attested as *bondæn* in the younger manuscript.

A phrase such as *at them stæfnu dagi* 'on the day set by the court' has been transformed into *ath then lag steffnu* 'in the legal process'. The verb *føre* 'to bring', found in the older redactions, had probably already become specialised as 'to lead' (on the model of German *führen*), being replaced by the German loanword *bringe* in the older meaning. Therefore, the scribe changed *føre* to *fare* and added *med* to the legal formula *bulster oc ble* 'bolster and bed sheet' that was already ancient at the time: instead of «bring *bulster oc ble* to the *ting*», the phrase sounds «travel to the *ting* with *bulster oc ble*» (with the word *bulster* becoming obsolete, while *ble* changed its meaning from 'bed sheet' to 'diaper'). Phonetical forms such as *sænghe* alternating with *siængo* or the new spelling *thage* for older *taka* denounce how advanced the phonetic of the spoken language was in comparison with the traditional text, while words that look older such as *vatn* may be dialectal forms (compare modern Swedish *vatten*) as well as archaisms.

The titles added by the scribe can give some hints on the more modern aspect of Scanian, so for instance *Om fiskæ garde tul* [probable mistake for *til*] *midstrøm*, where *garde* is less archaic than *gartha*; *Staar mølle for ængh* features younger Danish forms corresponding to contemporary Danish *mølle*, *for*, *eng* (without the obsolete ending of Dative plural). The title *then trætiende bogh* 'the thirteenth book' is noticeable for the form *bogh* instead of older *bok*, showing that the scribe follows the Danish standard orthography of his time, which reflected a weakening of intermediate consonants common to standard Danish and Scanian.

## 6. Conclusions

After the Reformation, many books were lost and libraries dispersed, making it difficult to locate their origin, but the particular matter of manuscript AM 39, 4to reconducts it quite unambiguously to Scania.

These younger manuscripts of *Scanian Law* should be examined more closely, for their linguistic features; since the Scanian language changed greatly after the conquest of Sweden

and the subsequent assimilation policy, these legal manuscripts may be worthy memorials for the study of the evolution of the Scanian language, in the absence of appropriate instruments on the modern language, which was almost wiped out in the last century.

Fortunately, scholars can somehow manage this task even without a proper dictionary of the Scanian language by employing other resources, such as the dictionary of the Halland dialect (Möller 1858) or the almost equally old, more general lexicon of Swedish dialects (Rietz 1867).

As the modern Scanian language is considered almost extinct (Lundbladh 2012:18-20), it becomes difficult for modern Scanians to read literature in the language of their ancestors, even Nils Ludvig Olsson's dialectal poems from the 20th century, such as the ones gathered in the collection *De fäste fjeden* (Olsson 1921).

UNESCO has included Scanian among the endangered minority languages in Sweden: «Dalecarlian, Scanian (including Bornholmian) and Gutnish are endangered regional languages clearly distinct from Swedish» (Moseley 2010: 38). This classification is somewhat surprising as Scanian and Gutnish are definitely distinct from Standard Swedish but to clump in Scanian with Bornholmian is hardly justified<sup>30</sup>.

Yet, the use of these late manuscripts of *Skånske Lov* can still be of help for philologists and scholars to restore continuity between the language in the High Middle Ages and at the end of the Danish rule, as the law was slowly modernised and adapted, but mostly left intact. That the oldest manuscript Stockholm, Kungliga Bibliotek B 74 could be classified as written in a «South Swedish dialect» in an official catalogue is disconcerting, showing how – undoubtedly in perfect good faith – assimilationist views on Scanian could appear even in a modern scientific context<sup>31</sup>.

Nationalism was still widespread in the early 20th century (Rapisarda 2020: 17-19), but it is an obstacle to scientific research: Scanian may not be a language in all senses of the word, but it is a linguistic variety worthy of study, especially in a European Union rightfully concerned with minority languages, where Scanian is yet to be recognized as such.

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<sup>30</sup> A number of resources on Bornholmian have been gathered by researchers at the University of Copenhagen and made available at <<https://bornholmskordbog.ku.dk>> (last accessed: 03/10/2024).

<sup>31</sup> See <<https://www.alvin-portal.org/alvin/view.jsf?pid=alvin-record%3A472974&dsid=7246>> (last accessed: 03/07/2024).

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