

Tradurre: un viaggio nel tempo

Maria Grazia Cammarota

Perspectives on Translating Medieval Law The Norwegian *Landslov* of 1274

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Abstract This paper demonstrates strategies in translating the first national law-code of Norway, the *Landslov* from 1274, into English. One can argue the need to have Old Norwegian law in English to make it more accessible. To ensure that a target audience distant in time and culture are able to understand the law, the paper argues that translators of Old Norwegian law must pay special attention that the vocabulary they select has equivalence of meaning in modern English. Historical legal terms and administrative positions and divisions often have no direct modern equivalent, or even have a misleading modern English cognate.

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1 Introduction

Untranslatable words and concepts are currently in fashion, and in the case of the Danish *hygge*, for example, have been directing fashion. *Hygge*, has, at least in the Anglophone world, been the object of hype and much media coverage over the last couple of years.¹ But what does it mean exactly? There is no direct English equivalent of *hygge*; the word expresses a feeling of cosiness and well-being, often at home. The standard Danish-English dictionary translates *hygge* firstly as ‘comfort’ or ‘cosiness’, and secondly as ‘homely, cosy, cheerful... atmosphere’ (Axelsen 2011, 359). *Hygge* is a condition or a state of being; the dictionary indicates it is *om stemning* (about atmosphere), meaning that books and website articles aiming to teach one the art of *hygge* come across as distinctly odd to those

1 See Altman 2016 and Higgens 2016 for an attempt to survey the Anglophone *hygge* craze.

familiar with *hygge* as a cultural concept or mood, as something that happens naturally without being forced. We might add to Danish *hygge* the Tagalog word *gigil* (to express pure joy) (Cachero, Edgett, Tsur 2017), the South Asian word *hijra* (to express a third gender) (Macdonald 2017), the Tshiluba *ilunga* (a person who forgives abuse a first time, tolerates it a second time, but absolutely not a third) (Conway 2004), the French *flâneur* (a man-about-town observing society) (Dowd 2011), and the Greek *philotimo* (observing a love of honour by doing the right thing) (Dimitropoulos 2017) as words without a direct English translation. Words such as these, which are untranslatable into one's own native language and may even express alien concepts, are undoubtedly fascinating and give us a window into ways of thinking about, expressing and experiencing the world in new and enriching ways.

The purpose of the current paper is to offer some perspectives on the translation of Old Norwegian law into Modern English, since Old Norwegian law has the potential to provide an abundance of untranslatable words that give us a glimpse into an untranslatable way of thinking about and expressing law and legal concepts. Despite the current fascination with untranslatable words, as translators, translate we must. We must somehow find appropriate circumlocutions, build and define our own terms to render our source text into our target language in a meaningful way; this process of negotiation is often known as translation strategy. My approach in the current paper is to address the process of translation by bearing in mind three themes common to most modern translation theorists who approach the process of translation rather focusing solely on the results:

1. An "attempt to deal with the concept of equivalence of meaning and/or form".
2. A "procedural approach [that] is primarily source-text oriented".
3. Taking "into account the function of translation as a communicative process" (Kunz 1994, 23).

In an analysis of translation, these themes are not easy to separate from each other, since the act of translation demands that they be considered simultaneously. This paper will draw upon these themes throughout; firstly, the necessity of an English translation of the Old Norwegian laws will be evaluated, since one could suggest that professional competency for those working with medieval law texts demands working with sources in the original language. Secondly, priorities in methods of translation in relation to medieval law will be discussed, and evidence of the decision-making process by which the final text was produced will be offered. Thirdly, the paper will draw upon a case study from my forthcoming translation of the *Landslov*, a medieval Norwegian law-code introduced below, in which the first and second considerations of the paper, the necessity for translation

and translation strategy, can be seen in practice. This case study concerns the translation of area names and officials involved in the administration of legal proceedings and processes.

2 Why Translate Medieval Norwegian Law?

We might begin by considering why the translation of medieval law from Old Norwegian into modern English is worthy endeavour. At the heart of every translation enterprise is the matter of accessibility. In this case, it concerns the willingness or ability of readers to persevere through the usually difficult, sometimes opaque, and occasionally mind-bending contortions of the Old Norse language found in medieval Scandinavian law.² Of course, one can object to translation. Translation can never hope to convey the full significance of a text in another language. One could also suggest that professional competency for those working with medieval law texts demands working with sources in the original language. As Gudmund Sandvik and Jón Viðar Sigurðsson put it in their chapter on laws in *A Companion to Old Norse-Icelandic Literature and Culture*:

It will be obvious that study of early and later Icelandic as well as of the continental Scandinavian languages is a necessary requisite for any deeper consideration of early Nordic law. The contribution of advanced students familiar with the Latin of civil and canon law would be most welcome in considering the transfer of legal and religious ideas and terminology into the Nordic languages, a field of study begging for cultivation. And students from abroad may be encouraged to bring their outsiders' view to bear on what is characteristic and peculiar in the Nordic laws and what is common to them - a view very seldom within the scope of Scandinavian scholars inevitably engrossed by their national sources. (2007, 223-4)

While a grasp of the original language is always desirable and often necessary, for most, even for those able to read the original, reading such a source in a familiar modern language is, frankly, much easier and quicker. Scholars working with such material often appreciate translations, if only to skim read in order to find sections that might be of interest to look up in the original. Nor should less advanced students interested in the medieval laws be deterred from developing an interest and knowledge of laws by a lack of language skills. Those working outside the field of Old Norse

2 Old Norse is understood here as the language spoken by medieval Scandinavians and their overseas colonies in approximately the 9th to 13th centuries; it therefore includes Old Norwegian.

philology too, for example in history and legal studies or those familiar with comparable material from outside the Nordic countries, can bring valuable perspectives sometimes invisible to those linguistically closer to the material. Interested general readers outside of academia also certainly have a use for translations of texts in languages they do not read, since such material is common heritage and ought not to be the exclusive preserve of academic circles. For all these audiences, Old Norse law texts are not easy reading, and under such conditions one must concede that a mediated familiarity with a text is better than none at all.

3 The Importance of the *Landslov* of 1274

The medieval law text from which this article draws its examples is the first national law-code of Norway, known as the *Landslov*. The source language is Old Norwegian, the target language English. The *Landslov* is worth making accessible in English because it is an important legal and historical source for medieval Norway and is an immensely important milestone for the development of the Norwegian state. It was in effect for over 400 years, and also formed the basis of law-codes in both the Faroe Islands and Iceland. It was the first law-code valid for the whole of the Norwegian realm, and replaced earlier regional laws (the *landskapslover*). The development of a national law-code strengthened the position of the authorities in Norwegian medieval culture and especially strengthened the power of the king, with whom law-giving was intimately connected in the later thirteenth century. The king responsible for the *Landslov*, Magnus Håkonsson, ruled from 1263-1280 and earned himself the byname 'Laga-bøte' (Law-Mender), for his efforts to develop the regional laws of Norway, a process that resulted in the creation of the *Landslov*.

The *Landslov* was accepted in the four regional law assemblies in Norway between 1274 and 1276. The code is customarily dated first to 1274 because that is the year when the first regional assembly adopted the national law (at Gulaping).³ There are no surviving original manuscripts of the *Landslov*, but the extant material testifies to a great interest in the law and the material with which it was often transmitted. Today there are extant 41 complete manuscripts of the *Landslov* in Old Norse that are not copied from another extant manuscript, dated until the end of the 1500s.

3 Historically there were four regional assemblies in medieval Norway and each assembly was known as a *ping*: Frostuping, Gulaping, Borgarping and Eidsivaping. The *landskapslover*, the regional laws, were the laws valid for each of these *tings*. The *Landslov* replaced these regional laws, but even though the *Landslov* was valid for the whole of the country, there developed redactions for each of the four regional assemblies, although the content of the national code for each area was much the same.

In addition, there are around 50 fragments, the oldest from the late 1200s. The ages of the surviving manuscripts, or pieces thereof, are usually determined on palaeographic and linguistic grounds.

A modest number of the old Norwegian and Icelandic laws have been made available in published English translation.⁴ For the Icelandic laws, we have the two-volume *Grágas* translated by Peter Foote et al. from 1980 to 2000, and a translation of *Jónsbók*, an Icelandic law code based on the *Landslov* and earlier Icelandic law that came into force in 1281 and was published by Jana Schulman in 2010. The regional laws of the *Gulatingsslov* and *Frostatingslov* were published in English translation in 1935 by Laurence Larson, and I have recently completed a translation of the *Landslov* into English.

4 Translation Strategy

Investigations into the relationship of law and language easily encompass translation as a mediating process between languages. The apparent dependence of law on abstractions and logic demands this translation process should be as objective as possible, although

Like any interpretive work, a translation is the result of a volatile hermeneutic process. Its readers should be wary of accepting it as a record of “what the text says,” for the text says many things, some of them enigmatically. (Niles 1993, 859)

Explication of the content of the law is not the job of the translator. Rather their job is to position the language of a translation in such a way that it can be interpreted by a reader. Critical evaluation is thus not the goal of the translator, and critical understanding ought not be reliant on the translator. Objectivity does not demand sterility: “the translator’s aim must indeed be to preserve something of the difference of the foreign law-text on account of the recognition and of the respect one owes it” (Glanert, Legrand 2013, 517), the aim being then not to erase the character of the source law-text, but to make that character readable to others by transposing the language, ready for them to interpret.

Translations offered to a reader are an end product and, as such, are only indirect evidence of the decision-making process the translator went through in the production of the final text. In translating the *Landslov* into English, my overriding priority has been to achieve balance in the following areas:

⁴ The basis for my translation is Holm Perg 34 4to, from c. 1275-1300, the oldest surviving manuscript. All quotations will be from the normalised transcription of the manuscript by Robert K. Paulsen (2017). All translations are mine.

1. between translating only those words exactly as they stand in the target text and adding in explanatory words;
2. between maintaining the constructions and lexis of the Old Norwegian and avoiding awkward contortions in modern English.

4.1 Balance Between Translating Only Those Words Exactly as They Stand in the Target Text and Adding in Explanatory Words

There must be a balance between preserving the word count and the rhythm of the original and the addition of extra words to add clarity of meaning in English. If too little guidance is provided for the reader, comprehension would be sacrificed even as the original stood word for word in modern English. The most prominent example of this in the *Landslov* is the example of a man doing something to another man. This appears time after time, and as the law is listing the repercussions of the deed, in translation it can become unclear which man is which. This ambiguity is not present in Old Norse, a synthetic rather than analytic language, thanks to the case system, in which subject and object are clearly defined for nouns. In the first part of chapter four, “Mannhelgebolken” (The Section on Personal Rights), it would be clumsy to translate *En ef maðr vegr mann* (22v) ‘if a man slays a man’; better to add ‘if a man slays [another] man’. Likewise, in section three of the same *bol*k (function): *Þat er oc nidings vig er maðr brennr mann inni Þat er oc nidings vig ef maðr murðir mann* (23v) (It is also a villainous killing if a man burns [another] man in. It is also a villainous killing if a man murders [another] man). Occasionally there seems no route but to add an indication of who is being talked about:

Nú krefr maðr skuldar þann øreiga er eigi eru slík tilfelli sem fyrr váru tölð, varðveiti í gæzlu... (*Kjøpebolken*, The Section on Trade, 66r, Paulsen 2017)

Now if a man demands a debt from one who is indignant whose [circumstances] are not those that were enumerated before, [he is to] keep hold of [him, i.e. the indignant man]... (Author’s translation)

Without such indications, the text would be inelegant and sometimes rather hard to understand. In addition to saving clarity, extra explanatory words are sometimes needed to explain what an unfamiliar object or word might be:

Allir menn skulu í loðgrétu sitja svá lengi sem nú er máelt, þeir sem í eru nefndir, nema þeir gangi at nauðsynjum. En ef hann gengr útan vébanda nauðsynjalaust, sekr 2 aurum silfrs. (*Tingfarebolken*, The Section on Travelling to the Parliament, 10r, Paulsen 2017)

All men should sit in the public court of law as long as has just been said, unless they go [to do] the necessities [i.e. to answer a call of nature]. But if he goes out of the [boundary] ropes needlessly, he is fined two *aurur* of silver. (Author's translation)

Here I suspect that most people would understand what this necessary act might be. However, I think it is sensible here to add in an explanatory phrase, which in this case is the most likely interpretation of the situation. The addition of 'boundary' to 'ropes' here is necessary to make it obvious just which ropes I am talking about and their function, and also helps complete the picture of the men leaving the roped off area to go to the toilet.

It is also tempting to add in explanatory words to expand ethnographical details. Keneva Kunz comments in her study of the translation strategies of Old Icelandic sagas (from the same cultural area as the Old Norwegian laws):

For a number of reasons, saga literature provides an especially interesting object for translation and for translation study. In the first place, the culture of 13-century Iceland is so far removed from contemporary readers in other countries that many of the events dealt with in the sagas are difficult to appreciate fully without considerable background knowledge. This sort of cultural embedding often calls for fairly extensive annotation, in the form of introductory chapters, footnotes, glossaries, and afterwords, to make the sagas accessible and comprehensible, even to Icelanders themselves. The problem often becomes compounded in translation. How should a translator deal with, for instance [...] references to a now non-existent system of dates and times, or important details of 10th-century law? (Kunz 1994, 61-2)

Above we heard those going out the boundary ropes without reason were fined, but how much? Two *aurur*, is that a big fine or a small one? One particular challenge has been the translation of now non-existent systems of money and trying to make sense of the amount of fines that were dealt out. This concerns, for example, the unit of currency *örtug/ertog/ærtog* (see Skaare 1977, 18-19) and *eyrir* (pl. *aurur*) (see Skaare 1976, 716-18). The best course of action for these untranslatable words is to use the original terms and attempt to explain the money system elsewhere, either in the introduction or a note:

Með sama skilorði skal vera ef maðr skýtr at manni, þó at ekki taki, þá bóti konungi 3 aurum silfrs. (*Manhelgebolken*, The Section on Personal Rights, 27v, Paulsen 2017)

The same regulations shall be applied if a man shoots at [another] man even if he misses; then [he is] fined three *aurur* silver to the king. (Author's translation)

Here I have used the nominative plural of *eyrir*, i.e. *aurur*. It would also be possible to add the English plural ending to the singular of the Old Norse word, and if not then the singular and plural forms also have to be explained somewhere. It is tempting to attempt to ascertain the magnitude of these fines in modern money in order to orient the reader, but I have not attempted to do that. It is my belief that such ethnological details are interesting to many readers and may help to expand the appeal of reading the laws, thus explanations of such features probably ought to be given in footnotes. Explanatory appositions and parenthetical explanations should be used minimally and judiciously, with footnotes preferred so as not to retard the flow of the text. To this end, explanatory glossaries go a long way if words from the source texts are retained: if explanatory glossaries are provided, a reader can voluntarily seek assistance, and if the translation is to be aimed at a general audience, the translator must provide assistance to aid general understanding.

4.2 Balance Between Maintaining the Constructions and Lexis of the Old Norwegian and Avoiding Awkward Contortions in Modern English

The Old Norwegian of the *Landslov*, if translated word for word into modern English, would do serious violence to English idiom. Likewise, translations of terms must be carefully selected. We find several examples of tempting but incorrect or archaic cognates in the *Landslov*. William Morris, the doyen of English saga translation, archaized saga translations and believed that Norse words should be rendered by available English cognates, even if the English words were rare or even unrecognisable:

As to the literary quality of this work we in say much, but we think we may well trust the reader of poetic insight to break through whatever entanglement of strange manners or unused element may at first trouble him, and to meet the nature and beauty with which it is filled: we cannot doubt that such a reader will be intensely touched by finding, amidst all its wildness and remoteness, such a startling realism, such subtlety, such close sympathy with all the passions that may move himself to-day. (Magnússon, Morris 1870, x-xi)

Morris wanted to show the remoteness of the literature rather than ensure intelligibility (although one could argue that by preferring English cognates he was in a way demonstrating its closeness to English culture,

even if this could no longer be fully appreciated by English speakers). His translations were a roaring success in the nineteenth century. Most modern translators would hesitate to sacrifice intelligibility for communicating with obscure cognates, although with careful selection cognates can be used with effect. *Umboðsmaðr* is cognate with Modern English ‘ombudsman’, which is a loan word from Old Norse. The two words means something quite different, however, and so I have avoided using ‘ombudsman’. I have however chosen to keep the English word ‘baron’, which is not a direct translation of the Old Norse *barrun*. We will return to the translation of both of these words below, but clearly each term must be assessed on an individual basis.

4.2.1 Register

Register of expression is another consideration when translating legal texts. The original language has a dignity that ought to be replicated without sounding overly stilted. Overall, one can modify English register to reflect the fact that these are legal texts by consciously opting for formal constructions and manner of phrasing, particularly in the translation of the subjunctive where it was possible to preserve it. At certain places in the *Landslov*, however, there are subtle changes in register, for example when oaths are introduced we find a conscious and effective use of stylised and direct speech.

4.2.2 Person

The *Landslov* is written primarily in the third-person, and usually refers to “he” or “a man” doing this or that. However, in places the objective sounding narrative suddenly switches to the first or second person. The Prologue, for example, is written from a first-person perspective, even as King Magnus refers to himself in the royal third person. There are a few places in the text when the second person appears, for example in *Kjǫpebolken* ch. 4: *þá skalt þú svá njóta vátta þinna í eindaga* (66r, Paulsen 2017) (then you shall thus make use of your witnesses on that specified day), and suddenly the law switches from being impersonal and distant sounding to a direct and meaningful address to the reader.

4.2.3 Repetition and Formulas

An important narrative feature of the text are repetition and formulas. As an example, the conception of the advice of the best or wisest of men is

an example of one such repeated theme, and occurs throughout the law, beginning in the Prologue:

En þér skuluð þat vita sannliga at oss berr áðr vel fyrir at sjá, en þó nú einkanliga bezt, er þér treystið svá mikít á vára forsjá at þér dómið hana alla í vára skipan, þat af at taka ok þat við at leggja sem oss þykkir bezt bera með hinna beztu manna ráði. (The Prologue, 8r, Paulsen 2017)

And, truly, it should be known to you, that previously it was befitting for us to see to that well, and most particularly considering now, when you trusted so much in our prudence that you deemed it all in our care, that which to take away and that which to add, as to us seemed to be most befitting with the advice of the best men. (Author's translation)

En ef þat veitir í vápnaskiptum, fari þat eptir því sem konungr skipar með hinna beztu manna ráði. (*Mannhelgebolken*, The Section on Personal Rights, 23v, Paulsen 2017)

But if that results in an exchange of weapons, it is to be dealt according to that which the king decrees, with the advice of the best of men. (Author's translation)

En ef þá skilr á, þá ráði loðmaðr ok þeir er með honum samþykkja, nema konungi með hinna vitrastu manna ráði lítisk annat loðligari. (*Tingfarebolken*, The Section on Travelling to the Parliament, 10v, Paulsen 2017)

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. (Author's translation)

þá skulu þeir eigi rjúfa loðmanns órskurð. En rita skulu þeir til konungs hvat þeim lízk þar sannast í því máli, ok slíkt rannsok sem þeir hafa framast prófat, því at þann órskurð er loðmaðr veitir, skal engi maðr rjúfa, nema konungr sé at loðbók vátí í móti, ok hann sé annat sannari með vitrastu manna ráði, því at hann er yfir skipaðr loðin. (*Tingfarebolken*, The Section on Travelling to the Parliament, 12r, Paulsen 2017)

they should not tear up the justice's judgment but they should write to the king what seems truest to them in this case, and such investigation which they have tried their best to do, because that legal decision which the justice gives shall no man tear up unless the king sees that the law book contradicts this and he, with the advice of the wisest of

men, sees another [decision] to be more truthful, because he is above the law. (Author's translation)

Repetition of words or themes is important in the text and gives coherency to the narrative. To translate formulas one can select an appropriate alliterating English pair where this is possible; in the many cases where it is not, two words can nevertheless be included and this will probably suffice to indicate that a formula stood there in the original.

5 Case Study: The Public Court of Law

Here I will present a case study of the second chapter of *Tingfarebolken* (The Section on Travelling to the Parliament), in which the above discussion can be seen in practice. The selection concerns how men are appointed to the public court of law, the *lögretta*. The *lögretta* has a legislative function as well as functioning judicially as a court of appeal. The members of the *lögretta* are *lögrettumenn*, members of the *lögretta*, or members of the public court of law. The members of the public court of law are both jury and legislators. The analysis of the translation below focuses on the translation of names of areas and important officials who crop up repeatedly in the administration of legal proceedings and administrative processes.

Hér segir til um nefnd til Frostapings

Svá er mælt at nefna skal útan ór Þrónðheimi 40 bónda ór hverju fylki. En 2 menn skal nefna ór Naumudal ok hverri skipreiðu, ok ór Raumsdali. Ok skal hvern þeira hafa í þingfararfé 3 aura, hvern þeira er til þings er nefndr. En af Norðmøri skal nefna ór hverri skipreiðu 2 menn, ok svá ór Uppdali; ok hafi í farareyri 2 aura, en innanfjarðar allt eyri. En innan ór Þrónðheimi 40 bónda ór hverju fylki skal fara. En ef barrún eða sýslumenn nefna eigi menn svá til þings sem nú er mælt, þá eru þeir sekir mörk silfrs við konung fyrir hvern er únefndr er. Engan skal til lausnar nefna, ok því at eins skipti á gera at þeim gangi löglig forföll til, er fyrr var nefndr. En hvern nefndarmaðr er síðar kómtr til lögþingis nauðsynjalaust en sóri eru flutt, er sekr mörk silfrs. En lögmaðr ok lögrettumenn meti nauðsynjar. Hvern ok sem eigi greiðir nefndarmönnum tillögufé svá sem skilt er, þá sekisk mörk silfrs.

Nú eru barrúnar ok svá sýslumenn ok umboðsmenn - bæði konungs ok biskups - allir skyldugir at koma til lögþingis. En þeir sem eigi koma forfallalaust, þá eru sekir 3 mörkum silfrs, ok þat frammar sem konungi virðask sakir til. (9r-v, Paulsen 2017)

Here tells about appointment to the Frosta thing. So it is said that 40 householders from every district (*fylki*) of the outer part of Trondheim

shall be nominated. And two men shall be nominated from Naumadal and from Romsdal and each of them shall have in thing-travel fee three aurar, each of them who is appointed to the thing. And from Nordmøre shall two men be appointed from each levy area (*skipreiða*), and so from Uppdal and have in travel money two aurar. And within the district, one eyrir each in all. And from the inner part of Trondheim 40 householders from each district (*fylki*) shall travel. And if the Baron (*barrún*) or prefects (*Syslumenn*) do not appoint men in such a manner to the thing as now has been described, then they are fined one mark of silver to the king for each [man] who is not appointed. No one shall redeem himself from appointment, and a change [may be] made only on the condition that he who was nominated earlier is prevented [from coming] by a legal hindrance. And each appointed man who arrives to the law-thing later than the oaths are sworn without a [valid] impediment is fined a mark of silver. And the justice (*lögmaðr*) and the members of the public court of law (*lögrettumenn*) are to appraise each impediment and when a contribution fee is not paid to appointed men, as decided, then a mark of silver is to be fined. Now, barons, and also prefects and agents (*umboðsmenn*), both the king's and all responsible, are to come to the law-thing. And those who do not come without a good reason, they are fined three marks of silver and that one [fined] further who is thought to be at fault by the king. (Author's transl.)

Certain geographical areas require special consideration. In this selection, the term *fylki* crops up twice, translated here as 'district'. The modern Norwegian descendant *fylke* is still in use today as an administrative division in Norway. Should this term then simply be left as *fylke* to represent a district? This seems like an obvious option. The problem is that the medieval and modern terms refer to very different divisions. In modern Norway, the *fylke* is the second level subdivision after the state itself, and is often translated as 'county' in English. In medieval Norway, from the formation of the Norwegian state as one kingdom, the *fylke* was a third level subdivision (see Bauge 1960, 39-40). The state was divided into four geographical regions that each had its own legislative assembly (*þing*). Each *þing* was then divided into *fylker*. The larger administrative units roughly equivalent to today's *fylker* came into existence at the beginning of the fourteenth century under a different name, *len*, later known as *amt*. And it was these *amt* that in 1919 were renamed with the historical term *fylke*, which now encompass a much bigger area than their medieval forerunners. The areas that were the original *fylker* today often still exist as the names for traditional districts, the borders of which are not officially regulated. This discrepancy in size and provenance of the areas represented by the medieval and modern *fylker*, means that it might give a false impression of the size of the area.

The second term to do with districts is *skipreiða* (pl. *skipreiður*), here translated as ‘levy area’. Norway was divided into *skipreiður* for the purposes of levy. It was an administrative division, the inhabitants of which were originally collectively responsible for the building, maintenance and manning of a longship. Although obviously having its roots in defence, the ship-levy area had developed into a fiscal area by the end of the thirteenth century, and thus it would seem to be misleading to introduce the word ‘ship’ into the translation of a levy area that, at the time the law was written, was likely to be for the purposes tax levy rather than troop levy. The term ‘levy’ thus seems suitably neutral to indicate *skipreiða*’s contemporary purpose whilst still indicating its origin.

The terms for officials also pose challenges. *Barrún* is the first that appears in the passage, translated simply as ‘Baron’. I encountered here the same option as with *fylke*, to retain the term as still in use, and while I rejected *fylke*, I maintained ‘baron’. We hear in Snorri Sturluson’s thirteenth century *Skáldskaparmál* that ‘baron’ is the English term for the Norse word *lendirmenn*, or ‘landed men’ (Sturluson 1998, 80). Magnus the Lawmender in 1277 brought in the term *barrún* to replace the term *lendirmenn* in the law code (Rósen 1956, 353), a vassal title that was used of men who had been given an area from the king to administer. Although the technicalities of the modern baronial title are different, since the connotation of the feudal superiority of the king is still more or less apparent, it is a satisfactory translation.

The next term is *sýslumenn*, singular *sýslumaðr*. This is often translated as ‘sheriff’, which is generally understood as a law enforcement officer of a civil subdivision of a state. The civil subdivision under question here is a *sýsla*, another kind of district, so we can easily appreciate that a *sýslumaðr* administered a *sýsla*, and from this we can clearly see in the Old Norse the name of the official’s area of responsibility. The origin of the English word ‘sheriff’ lies in a contraction of ‘shire reeve’, the area of responsibility of a sheriff thus being a *shire*. Translating the word *sýslumaðr* as ‘sheriff’ would thus indicate I should translate *sýsla* as ‘shire’. To a speaker of modern English, at least British English, the word ‘shire’ conjures up the second subdivision of state equivalent to the modern Norwegian *fylke*. The Norwegian *sysel* are in fact the medieval precursors of the modern *fylke*, so that in fact it works, but the connection of a sheriff to a shire is one that I suspect is lost to most speakers of modern English. Since words for various types of district are numerous, it could be helpful to maintain the obvious connection between the name of this particular official and the area he controlled. For this reason, I propose ‘prefect’ as an acceptable translation of *sýslumaðr*, since it does not presume knowledge of the function of officials on the part of the readers as ‘sheriff’ might, and with ‘prefecture’ as the translation of *sýsla*.

The literal meaning of *lögmaðr* as ‘law-man’ is obvious enough. Jana Schulman, in her recent translation of *Jónsbók*, translates this as “presid-

ing judge” (Schulman 2010, 471). This specification is to keep the term separate from that of *dómari*, the more general word for judge. We can infer from this that the *loqmaðr* in the thirteenth century functioned as a special kind of judge. He led the *loqrétta*, the public court of law, held at the *loqþing*, the law-thing. To indicate that this is a special kind of judge, I have chosen the term ‘justice’ to translate *loqmaðr*. The function of these law courts (*loqrétta*) at the provincial assemblies (*loqþing*) was that of appeal courts (Sunde 2014), so here one could explain the function of the ‘justice’ as that of an appeal court judge. The translation ‘justice’ is often reserved to translate the term *réttari* rather than *loqmaðr*. The term *réttari* is found in the *Landslov* mainly in the fourth chapter concerning Personal Rights. *Loqmaðr*, on the other hand, occurs frequently throughout the law code. The *réttari* was the official providing justice and he made the decision. Jørn Øyrehaugen Sunde has recently argued against identifying the *réttari* as a *sýslumaðr* (2014, 149-53), as was once common, pointing out that their functions are different in the law. He instead links the role of the *réttari* to that of the *loqmaðr*, arguing convincingly that both fill the role of appeal court judges, the term *réttari* in fact being introduced by the *Landslov*, which, according to Sunde, restructured the court system slightly to bring the appeal court system to lower legal levels. He concludes that in the *Landslov*, the *loqmaðr* and *réttari* are one and the same thing, the new term *réttari* being introduced to semi-disguise a change that controversially extended the king’s power through the influence of the figure of the appeal court judge, the *loqmaðr/réttari* figure. Even if the two roles were very similar, I have preferred ‘appeal court judge’ for *réttari*, since that is their primary function, and *loqmaðr* as ‘justice’, since they had a somewhat broader legal role in addition to their function as appeal court judges.

The final term to consider is *umboðsmenn* (sing. *umboðsmaðr*), translated here as ‘agents’ in sense of a representative authorised to act on a person’s behalf. The obvious cognate for *umboðsmaðr* in English is ‘ombudsman’, which is a Norse loan word. However, the modern English meaning of an ombudsman as a government official who hears complaints from private individuals about government officials or agencies is too far removed for it to be of use, so I have not employed it here. Other options to translate *umboðsmaðr*, such as ‘commissary’, may focus too much of the delegation of the role by a senior, and less on the considerable power the *umboðsmaðr* gains over another person’s affairs.

From this we might conclude that although the vocabulary and concepts discussed above present a challenge, both can be rendered adequately in English. The equivalence in meaning however is unlikely to be reached, since historical administrative positions and divisions no longer exist or may not correspond exactly to their nearest modern replacements. From this perspective, some explanatory effort on the part of translator may be

necessary to ensure the satisfactory communication of the source text (for example in notes or introductory material).

6 Conclusions

The *Landslov* provides us with numerous examples of words that have no direct translation into modern English. In addition, we find words with misleading cognates in modern English (*umboðsmaðr*/ombudsman) or in modern Norwegian (*fylki*/fylke). Referring back to the three themes mentioned in the introduction, these exemplify “an attempt to deal with the concept of equivalence of meaning and/or form” (Kunz 1994, 23). The discussion above has addressed examples of how to translate such terms from Old Norwegian into Modern English whilst balancing the needs and expectations of the reader of the translation. With regards to the second theme, I have also discussed how, whilst the approach should be “primarily source-text oriented” (Kunz 1994, 23), it is also necessary to think about additional information the reader may need to make sense of the text, since Old Norse law is a difficult genre to approach, for reasons outlined above. In terms of the “communicative process” (Kunz 1994, 23) inherent in translation, the translator must mediate and reconsider the original language in order for the target text to be comprehensible and usable; this may include adding extra words (such as articles, as illustrated above), so that the translation user does not feel that the idiom of the target language has been seriously violated, and avoiding tempting-sounding English cognates of Old Norwegian words that mean something different; in this way, the translator must take an active part in the communication process of translating Old Norwegian law, and the translator must be accurate as well as occasionally creative in order to satisfy the demands of translating this challenging genre.

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