Concilium and *Pagus*—Revisiting the Early Germanic *Thing* System of Northern Europe

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Abstract - This article deals with the geographical organization of the *thing* system of Northern Europe prior to the processes of supra-regional kingdoms in the 8th to 10th centuries, re-evaluating the early written evidence. It is argued that at least three interrelated geographical judicial units (referred to as *civitas*, *pagus*, and *centena*) existed prior to the 6th century within the historic areas of Austrasia, Frisia, and Saxony. Parallels to such a tripartite system are found in Scandinavia and Iceland in the 10–12th centuries.

Past Perspectives on the *Thing*

The word *þing,* i.e., *thing,* exists in all of the Germanic languages and has been understood as "a gathering in a certain place, at a certain time". This word is likely connected to the gothic *þeih*s, which means *time*, and the older verbal theme *to constrict* (Bjorvand and Lindeman 2007:1151–1152). In this sense, the word possesses both spatial and temporal dimensions. Discussion on the *thing* in European research has for many decades hinged on the work of Cornelius Tacitus, *De origine, situ moribusa ac populis Germanorum,* also known as *Germania,* written in A.D. 98. Tacitus' description of the *thing* (*concilium*) has led to extensive debate on whether the medieval judicial and administrative topography wholly or in part relates to late prehistoric systems of organization and governance. *Germania* has greatly influenced academic and non-academic interpretations of the *thing* (Birley 1999:38). A mid-9th-century manuscript of *Germania,* the *Codex Hersfeldensis,* was rediscovered in a convent in Bad Hersfeld in Germany in 1455 and quickly became popular amongst influential German renaissance humanists, including Conrad Celtes (†1508), Johannes Aventinus (†1534) and Ulrich von Hutten (†1523). *Germania* comprises approximately only 5500 words and 46 sections.

However, the secondary literature regarding this work, including translations, is comprehensive. During the 1800s, in the scientific and popular literature, the idea of the Germanic *thing* merged with romantic notions of an idealized complex of freedom-loving, noble and proud Germanic peoples (Lenzing 2005, Schank 2000, Semple 2011). These noble peoples were envisaged to form a society situated somewhere between the civilized Roman high society of the south and the savage peoples of the far north. The concept of the *thing* has been primary to these discussions, fuelling perceptions of noble savagery: primitive, spear-wielding tribes who placed a strong emphasis on public debate and discussion at a designated outdoor place of assembly. As part of this emerging genre of highly nationalistic scholarship, the identification of and debate on the existence and purpose of the *Gau* emerged. The Latin term *pagus* was used by Tacitus when documenting the existence of the judicial system, and this was interpreted as evidence of the early existence of the *Gau*.

Reliance on Tacitus and his accounts of the Germanic groups north of the Roman frontier together with *Gau* research fell into serious mistrust after World War II. In the first half of the 1900s, the *Gau* had been regarded as a proto-Germanic *thing* area, and the term was adopted in nationalistic discourses under the Third Reich, together with the *thing* (*Ding*). Germany's newly acquired territories in the east were organized into so-called *Reichsgaue*. Indeed*,* the administrative regions of the *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP) were termed *Gau*, and during the years 1936-1939, NSDAP built 46 assembly sites, thingstätte, in present day Germany and Poland. (Fig. 1). For these reasons, the *Gau* and the *thing* became synonymous with the much dismissed nationalistic discourse and research that served the Nazi Party ethos (Fischer-Lichte 2005). This association almost certainly accounts for the low research activity on this topic in the decades after World War II.

Limited knowledge is available regarding the changing spatial organization and function of the kind of meeting that emerged as the documented *thing* in early medieval Europe, but we know that *thing* was closely connected in parts of Europe to the *Gau*. This paper therefore explores the geographical organization of the *thing* and how the *thing* changed during

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the formative process of supra-regional kingdoms in the Middle Ages in northern Europe. I propose that a re-evaluation of the few available sources used to underpin *Gau* research is long overdue. Drawing on research conducted through *The Assembly Project*, the *modi operandi* and geographical organization of the judicial and legislative assembly in the Nordic regions is reconsidered in a long-term perspective. New perspectives on the transformation of a communal system into a royally managed power network are proposed.

Key Questions and Perspectives:
From Communal to Royal Administrative Landscapes

Clearly, it is difficult to describe or indeed find a unified development of the *thing* for the whole of Northern Europe. The development of such institutions is complex and specific (Pantos and Semple 2004, Semple and Sanmark 2013). The level of royal power, and hence the kings' potential impact on the

communal *thing* system, varied greatly from the core areas of the Frankish realm to the peripheries of Scandinavia and beyond (Iversen 2011).

Previous research based itself on some general principles and models that are worth revisiting. First, the *thing* has been perceived as communal in origin, in that power was enforced through "popular assemblies" and "folk moots". Communalism has been defined as institutionalized interaction in local societies solving public affairs (Imsen 1990:9). Second, the *thing* has not been regarded as a static institution but rather something that evolved gradually into a royal tool during the Middle Ages (Barnwell 2003:2; Pantos and Semple 2004; Sanmark 2006, 2009; Wenskus 1984). The terms *Genossenschaft* (cooperative) and *Herrschaft* (lordship) are associated with the legal historian Otto von Gierke (†1921) and the sociologist Maximilian Karl Emil Weber (†1920) and have been central to the discussion of the *thing* institution. Within the perspective of historical materialism, which focuses on class struggle, popular assemblies
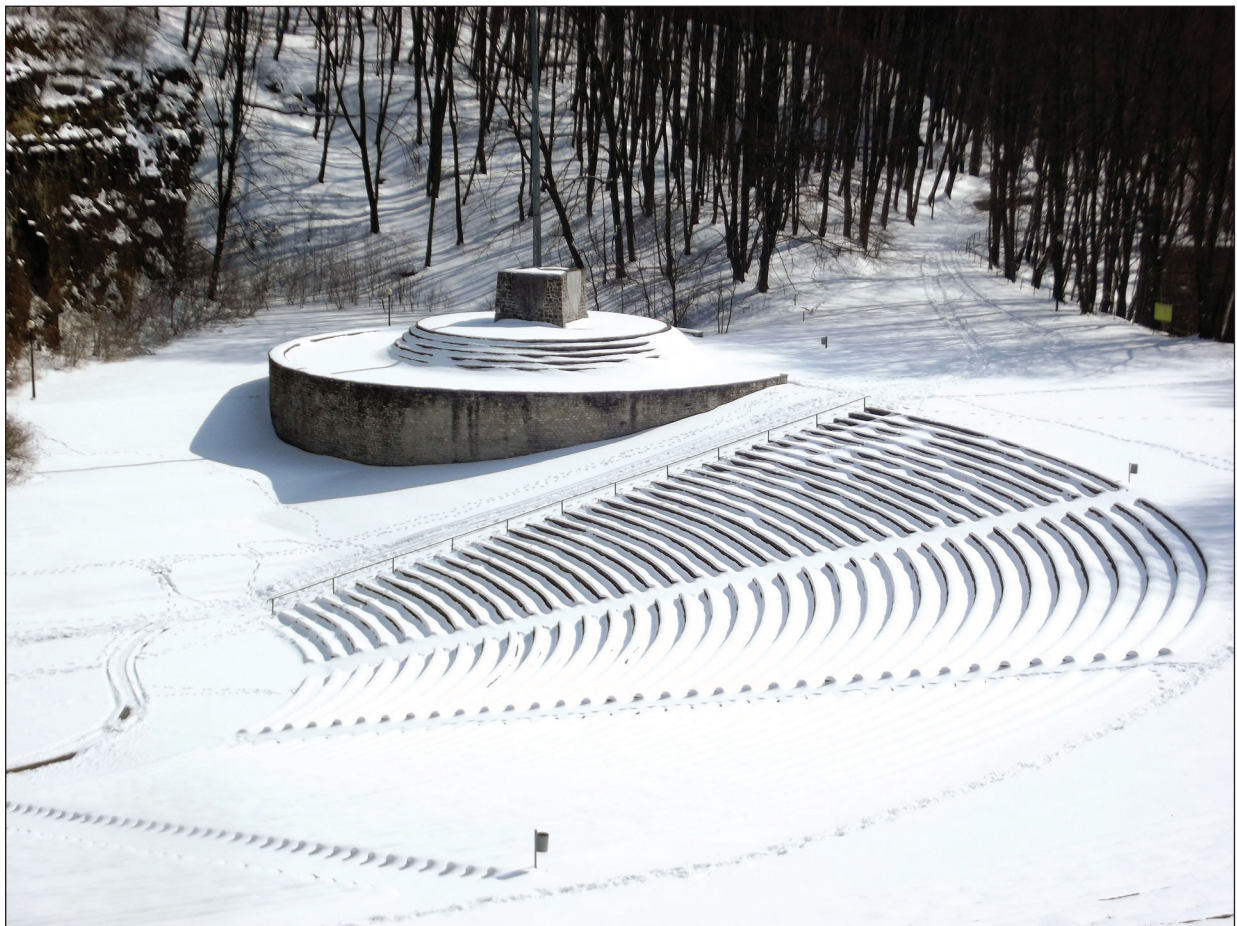

Figure 1. The St. Annaberg assembly site, Góra Świętej Anny, Poland, was one of 46 *Thingstätten* built during the 1930s by the *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP). It had a capacity up to 30,000 people. Image © Sarah Semple.

have been seen as a counterweight to the force of lordship. Consequently, the power of the *thing* is regarded as a mirrored reflection of the power of the state (Imsen 1990:11): the stronger the state is, the weaker the communal institutions are.

In this line of discussion, the German historian Reinhard Wenskus (1984:445) claims that the development of a stronger central administration (*Zentralgewalt*) led to the loss of political power for the *thing* (*Volksversammlung*). Describing the geographical aspects of these developments, Niemeyer (1968) introduced the analytical terms *Urgau* and *Großgau*, framing the transition of older communal *pagi* towards the larger, royally controlled *comitati* (counties). A similar, but even more complex model was put forth by the German law historian Karl von Amira (1913:116–117) in his book *Grundriss des Germanischen Rechts* (Fig. 2). This author suggested that an extensive territorial reorganization had taken place as a result of a change in power relations and the processes of feudalism in the Frankish Empire. According to him, aristocratic privileges of immunity already transpired during the 6th century

(Amira 1913:158).

Somewhat simply, he argued for a tripartite division of the *thing* system having occurred prior to this reorganization; the area of the *civitas* (1), which later comprised both an urban center and a dependent rural territory, and earlier may or may not have consisted of the tribal area (2), was divided into medium-sized districts called *Mittelbezirk* (3), each comprising several local *thing* areas. von Amira (1913:116–119) saw the ON *þriðjungr* (third) and *fjórðungr* (quarter) in Scandinavia, the *thriðing* in Yorkshire and Lincolnshire, the *leð* (lathe) in Kent and the rape in Sussex (which were recorded in the 10–12th centuries) as reminiscences of this organization at an intermediate level. The idea was that top-level and medium-sized districts lost their significance under Frankish-Carolingian rule because of an advancing royal aristocracy in alliance with the king (von Amira 1913:156). With immunity, manorial judicial authority followed; such rights gradually became territorialized, and new territories were created. These areas were later recognized as *comitati* (counties). The judicial system became divided into

civitas / fylki

pagus / fjórðungr
þriðjungr

centena / hundred

Royal court
↑

comitatus / county
(higher court e.g. at a
"Urbs", "Civitas" –
"Burgstadt")

familia
(Grundherrschaft)
(lower court, e.g. at a
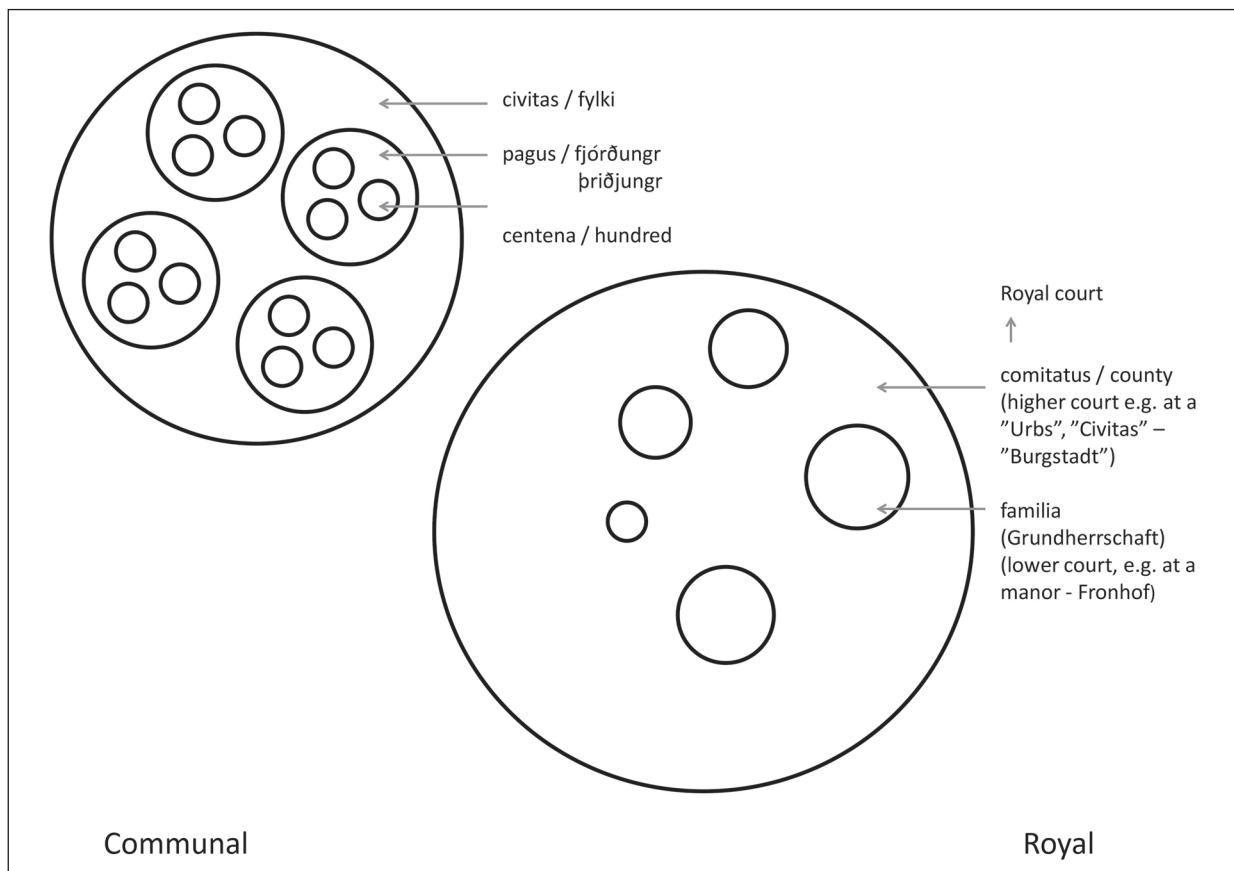manor - Fronhof)

Communal

Royal

Figure 2. According to Karl von Amira, a three-level communal system based on *civitas* / *fylki* → *pagus* / *þriðjungr* or *fjórðungr* (= mid-level) → *centena* / *hundred* or *herað* (local *thing*) was transformed to a system based on larger units, *comitati* (counties), in which the high court was controlled by the *centenarius* (count) and the lower courts were connected to different *familiae* (*Villikationen* / *Grundherrschaften*). This is illustrated here by a model produced by the author.

a higher and a lower court, where the lower court was linked with manorial rights and the higher court was linked with the feudal lord or king (*Lehnsherr*) (cf. Hensch and Michl, in press).

The formative processes of the Carolingian counties have been much discussed. Heinrich Dannenbauer (1956 [1941]) has reviewed the conditions in Alamannia and Saxony, and Walter Schlesinger (1969 [1941]) has studied Thuringia. Hesse has been examined by Karl Kroeschell (1956), and Swabia and Franconia have been studied by Gertrud Kiefer (1954). Recently, the linguist Roland W.L. Puhl (1999) examined the Saar-Mosel district between the rivers Maas and Rhine, which was a Frankish core area even before A.D. 481 (the southern part of Austrasia). The research conducted by these scholars does, to a certain extent, support Amira's hypothesis but is far more precise and is based on stronger empirical grounds, dating the process more definitively to the 9th century.

In particular, Puhl's research is enlightening and has a well-sourced base. Puhl's research involves the three medieval dioceses of Trier, Metz, and Verdun. Around A.D. 600, Metz (AD 610), Trier (AD 575), and Verdun (AD 634) were referred to as *territorium*. These territories are named after centers called *civitates*, and it is possible that these territories were regarded as independent jurisdictions. Most likely, Trier and Metz represented a core area in a dukedom (*ducatus*) named Moselgau no later than A.D. 782 (Puhl 1999:180–182), and these territories contained 9–10 *pagi* each; in contrast, Verdun comprised only one *pagus*.

In the years following A.D. 783, the term *comitatus* appears. Puhl's study shows that there were fewer counties (*comitati*) than *pagi*. Only sixteen or seventeen of the twenty-six units in question are termed *comitatus,* and these clearly encompassed several of the earlier *pagi*. The development was complex and diverse; some *pagi* remained as independent jurisdictions, even those that remained part of a larger county (e.g., Rosselgau).

Puhl also argues that the development of the *comitatus* was related to specific political processes, and not least, to the division of the kingdom of Lothar II in A.D. 870 (cf. Puhl 1999:528–530). Other studies also show that direct continuity between the older *pagi* and the later counties was rare and, as Heinrich Mitteis (1975:151) summarizes, amalgamation, partition, purchase, and subinfeudations had in many cases led to such changes. It is clear that a straightforward continuity model is utopian and that convincing arguments for this can only be grasped through more detailed studies, such as that of Puhl. However, I perceive Amira's model (Fig. 2) as rel-

evant for the understanding of the *thing* system that preceded the feudalized system and the large-scale political changes in northern Europe during the 9th and 10th centuries.

Below, I shall review a selected group of the key sources in detail, thereby providing a platform for the further evaluation and development of models relevant for the understanding of these older legal systems and transitions among them.

The General Principles of the "Communal" *Thing*

Tacitus (98) provides the most comprehensive account of the prehistoric *thing* in Northern Europe. Specific details of Tacitus's text show that he must have been well informed, although other passages portray a more confused author (Birley 1999). In general, *Germania* represents his subjective view of foreign ethnic groups. However, in this context, I have extracted relevant information regarding the *thing* in an attempt to understand the essence of Tacitus' ideas.

As a starting point, Tacitus offered insight into the relationship between the *thing* and the king in the areas between the rivers Rhine, Vistula, and Danube, and the Baltic Sea (Fig. 3). Here, kings were accepted based on birth, and military leaders were determined based on suitability: *Reges ex nobilitate, duces ex virtute sumunt* (ch. 7). It is interesting to note that the fines imposed at the *thing* were supposedly divided between the king or the *thing*/community (*rex vel civitas*) and the aggrieved party (ch 12).

During these assemblies*, principes* were elected to uphold law and order in the *pagus* and villages. It is unclear whether these represented different administrative units. The elected or chosen *principes* had the authority to handle small matters, whereas larger matters had to be dealt with by the *thing* (ch. 11).[1] It has been debated what Tacitus means by the term *principes,* although usually this is defined as a *chieftain*. Most likely, the term refers to a specific type of lord, who held legitimate right to sanction the law (Schulze 2004:31). Supposedly, each of the chieftains had (or were allowed to have up to?) one hundred followers, fellows from the people (ch. 12).[2] The chieftains also received financial support from the other members of the *civitas*, in the form of livestock or grain, which was given freely. Gifts from outsiders and neighboring communities were welcomed (ch. 15).

The *thing* gathered on certain days under a new or a full moon, except in cases of urgency (ch. 11). The latter instance called for extra-ordinary meetings. When the participants found it appropriate,

they took to their seats armed (ch. 11).[3] A priest imposed silence and had the authority to inflict punishment if this was not complied with. Following these initial proceedings, the king or the *principes* put forth their agenda. The congregation displayed their disagreement by growling and their agreement by joining spears (*frameas*) (ch. 11).[4] The latter, known as ON *vápnatak* Wapentake, even became the designation of the local assembly units in the Norse colonization areas in Northern Britain, the Danelaw, and this was recorded from A.D. 962 onwards (Nielsen 1963:647).

Tacitus mentions a type of representational assembly/cultic gathering used by the Semonerians (ch. 39). These people formed a substantial tribe that resided in the areas between the rivers Elbe and Oder, considered themselves the main tribe of the Suevi, and allegedly inhabited hundreds of *pagi*. Delegates (*legationes*) from kindred groups of people met at fixed times (*statum tempus*) by a sacred grove. The Semonerians derived their origin from the very same sacred place their ancestors had consecrated and believed that everyone and everything was subordinate to the supreme and all-ruling deity. Supposedly, the meeting was initiated by the sacrifice of a human. Tacitus mentions sacred groves (lat. *nemus, lūcis*) (ch. 9, 10, 39, 40, and 43) several times, meaning small groups of trees or open forested areas with slight undergrowth (eng. *grove*). Only in this instance, however, is it stated that the grove itself was the actual meeting place (ch. 39).

To summarize, many recognizable elements are part of the *thing* system that Tacitus describes. The principles of both regular and extra-ordinary gatherings are well known in Scandinavia and Frisia, as clearly testified by the almost 1000-year-younger sources. The fact that the parties could solve disputes outside of these gatherings by prescribing and receiving fines of damage is also well known. Tacitus even mentions a variant of representational assemblies, which is how both the regional *law-things* and the medium-sized *quarter things* operated in medieval Scandinavia, according to laws and post-medieval accounts, such as the Thing-books.

Figure 3. Map of "Old Germania" (*Germaniae veteris typus*) by Wilhelm and Joan Blaeu (1645) in *Theatrum Orbis Terrarum, sive Atlas Novus*. Source: Wikimedia Commons.

However, Tacitus appears to assume a strong component of cultic elements in the top-level gatherings. In general, the ordinary participants of the *thing* were free warriors who had reached adulthood, whereas dishonored people and thralls were excluded. Freed thralls held an intermediate position but were precluded from acquiring higher positions in society. The spear (*framea*) was an important judicial symbol and represented the will of the freemen to defend the law and uphold order. Weapons were carried during the assembly. Both legal and cultic activities took place in the larger assemblies. Tacitus remains vague regarding the spatial organization of the assembly but appears to presuppose the existence of administrative units at different levels, both at the *civitas* and the *pagus* levels. It appears that the early *thing* embedded several functions, which were later conducted by different institutions, in particular, the military and religious functions. We must thus ask whether any other evidence exists that supports the picture drawn by Tacitus regarding the spatial organization of the *thing*.

The Earliest Evidence of the "Germanic" *Thing*

An inscription dated to the 3rd century, which was found near Housesteads Roman Fort by Hadrian's Wall in Cumbria, UK, in 1883, gives important clues to the early *thing* system. The inscription contains the name Thincsus, "Thincso", which is the oldest indirect evidence of the word *thing* in Germanic (Fig. 4; Wenskus 1984:443). The Latin inscription reads, *Deo Marti Thincso et duabus Alaisiagis Bede et Fimmilene et n (uminibus) Aug (ustormum) Germ (ani) cives Tuihanti v (otum) s (olvit) l (ibens) m (erito)* (Bosanquet 1922:187, Collingwood and Wright 1965:RIB 01593). This has been translated as: *To the god Mars Thincsus and the two Alaisagae, Beda and Fimmilena, and the divine spirit of the emperor, the German tribesmen from Tuihantis willingly and deservedly fulfil their vow* (Ireland 2009:184).

The main theory is that mercenaries/soldiers from the current area of Twenthe in the eastern Netherlands (*Germani cives Tuihanti*) raised the stone in honor of the gods. Frisian ceramics have also been found at the site, adding support to the theory (Rives 1999:160–161). Wilhelm Scherer is the first person to have linked the names *Beda* and *Fimmilena* to the *bodthing* and *fimelthing,* both of which were mentioned in Frisian legal texts from A.D. 1100 onwards (Richtoften 1840:391, Scherer 1884:574, Waitz 1886:44).

The Frisian *bodthing* signified an extra-ordinary assembly (Wirada 1819:9). The *Deutsches Rechtswörterbuch* translates this as *gebotenes Gericht*, meaning a "bidden" or "extra-ordinary" assembly.[5] Initial evidence of the *bodthing* dates from A.D. 1108 (Waitz 1886:44). The term can be related to the fact that messages were dispatched when announcing meetings that would occur outside of the regular times. *Fimelthing* has been interpreted as a type of court of judgement or movable court (Rives
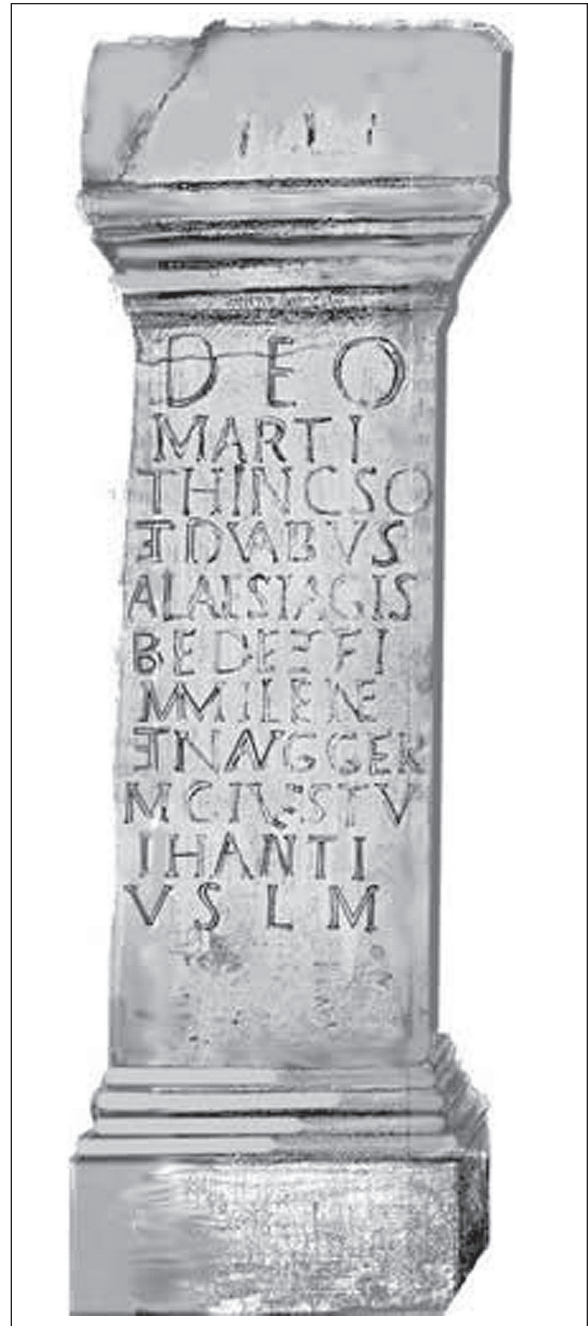

Figure 4. This altar-shaped pillar was used as a door-jamb. The inscription, which dates from the 3rd century, contains the name "Thincso", which is the oldest indirect evidence of the word *thing* in Germanic. Photo after Budge (1907:190).

1999:161). The word *fimel* might be related to the ON verb *fimast*, which translates "to hurry". However, the interpretation is uncertain and the evidence meager.

Heinrich Brunner (1887:148) associated *fimmelthing* with *Afterding,* assemblies that were held after the regular one (cf. *Nachgericht*). The intention may have been to make the decisions of the larger assemblies widely known. Following these assemblies, information was transferred into the local communities, which had to be done quite hastily. Scherer's interpretation received some support from the Austrian philologist Siegfried Gutenbrunner (1936:24–40) and more support from the French philologist Georges Dumézil (1973:82). Gutenbrunner interpreted the names *Thincsus, Beda* and *Fimmilena* as the names of one god and two goddesses, who were protectors of the *thing*. The interpretation is still relevant, but there could be a number of reasons to be cautious (Rives 1999:161, Wenskus 1984). A significant gap in time occurs between the 3rd century and the Frisian legal text of the 12th and 13th centuries. In this instance, the three names of the gods could bear witness to the existence of a system of fixed assemblies (*Thincsus*), extra-ordinary assemblies (*Beda*) and "information assemblies" (*Fimmilena*).

This interpretation indicates the presence of a system of assemblies that was both fixed and flexible in the Frisian area in the 3rd century. The need to hold "information meetings" after ordinary gatherings might indicate the existence of fixed regional representational *things*. Such a system could agree well with the judicial practice described by Tacitus, with its fixed and extra-ordinary gatherings, as well as annual representational assemblies/cultic gatherings.

Spatial Organization of the *Thing*

Julius Caesar was the first who mentioned the *thing* in northern Europe in his *Commentarii de Bello Gallico* around 50 B.C. The Romans erected a bridge across the Rhine and threatened the *Suebi* with an invasion, supposedly because of their attacks on the new Roman province of Gaul. Caesar explains that the *Suebi* called a *thing* (*concilium*) in accordance with their tradition. The *thing* decided that a large army was to be gathered and gave orders to evacuate the villages.[6] Thus, it had the authority to make decisions on behalf of a larger collective and, as such, held authority over an extensive geographical area. The incident also specifically reminds us that the *thing* was called during a time of trouble and held the function of organizing

military action. Furthermore, Caesar is the first to have offered insight into geographical organization. The *civitas* of the Celtic Helvetians appears to have consisted of four *pagi,* of which Caesar names two: *pagus Tigurinus* and *pagus Verbigenus* (Caesar 7.7.75; Puhl 1999:14).

Thus, a substantial geographical area was divided into four smaller areas, of which the exact circumferences are not known. It is uncertain whether this reflects an early occurrence of the geographical principle of quarter divisions, of which much later examples are known from both Frisia and Scandinavia. The degree of projection of Roman conditions onto this source and its reliability are debateable (c.f. Brunner 1887:116, note 13). However, Gregory of Tours (538–594) also regarded the *pagus* as a subdivision of the *civitas,* but held that the concepts were also synonymous with subdivisions of dukedoms (*ducates*) (Brunner 1887:14–15). According to Isidore of Seville (ca. 560–636) in *Etymologiae sive origines,* the *pagus* was identical to a *conciliabula* (= *thing* area), which had fixed assembly sites (Puhl 1999:15). Isidore was especially referring to the conditions in southern Europe, where undoubtedly the *pagi* had jurisdictions with fixed assembly sites. According to Puhl, the size of the *pagus* apparently exceeded the size of local assemblies. Well over half of the *pagi* examined by Puhl had diameters of approximately 40 to 60 km, whereas the diameters of nine were less than 20 km (Puhl 1999:520).

The representational *thing*, Saxony

The famous biography *Vita Lebuni antiqua*, which was written by a monk named Hucbald († ca. 930), mentions the Saxon *thing* held by Marklo at the river Weser. Lebuin died around the year A.D. 775, and the narrative addresses events prior to the Carolingian conquest of Saxony. The Saxons were led to war by an (elected) duke (*dux*). Hucbald mentions three legal and social categories regarding the annual assembly: the nobles (*adalinge, nobiles*), the free (*frilingi, liberi, ingenuiles*) and the liberated (*lassi, liberti, serviles*). During the general assembly (*generale concilium*), the leaders (*satrapae*) and twelve men from each *pagus* met (Schulze 2004:31, Waitz 1886:366–367). According to Hucbald, the *thing* held authority regarding matters of war and, especially, important litigations.[7] It is debated whether these twelve men could be recruited from all of the above-mentioned groups or whether only the nobles were eligible (cf. Landwehr 1982:117–142). Regardless, this record illustrates the existence of a collective representational assembly in Saxony during the 700s. The word *satrapae* has also been

documented in Old Persian and Ancient Greek and denotes the Protector of the Province, referring to a form of sanctioning authority. The word was most likely used by Hucbald in reference to a biblical term.

The quarter *thing* and the land *thing*, Frisia

The Frisian *thing* system is also interesting in this context because it provides further information on the geographical organization of the two highest levels. The lawyer and historian Tileman Dothias Wiarda (1818:9–13) was one of the first people to give a detailed description of this. Wiarda belonged to the Romantic tradition but had particularly good access to archives due to his position as the secretary of the *Ostfriesische Landschaft*. More recently, the historian Hajo von Lengen (2003) has conducted research on this subject.

According to the *Freeska Landriucht* (Frisian Landlaw), Frisia was divided into seven sealands (Richthofen 1840: 110-112, Wiarda 1819:9, 18–19). The exact division is not known for sure. In the 14th century, the area consisted of 23 separate provinces (-*land*) (Lengen 2003). Collective assemblies for Frisia were held at *Upstalboom* ("the upper-common-tree") in Brokmerland, the first of which was documented in A.D. 1216. This assembly gathered annually on the third day after Easter and met for the last time in A.D. 1327, when it relocated to Groningen.

Several of the seven sealands were divided into quarters in the late Middle Ages called *fardingdela*. This division is documented for Brokmerland, which comprised four such quarters, according to the 13th-century Brokmer law (Buma 1949). In addition, both Rustringia and Hunsingo were supposedly split into quarters. In Brokmerland, quarterly assemblies were held at fixed times (Wirada 1818:13). According to the *Deutsches Rechtswörterbuch,* these appear and are referred to as *liodthing* from A.D. 1080 to the 1800s.[8] As previously mentioned, extra-ordinary assemblies were referred to as *bodthing*. The delegates to the main east Frisian assembly appear to have been appointed at the regular quarter *things*. The delegates were representatives of their district or parish, of which the latter was termed *karspel*. In addition, all of the delegates at the four quarter *things* of Brokmerland gathered twice annually. This gathering was called a "land *thing*" (*lantding*), where disputes between the quarters were settled and new laws were adopted.

The 1323 treaty of the Uppstallisbam states that the seven sealands were subject to mutual military obligations should any of the lands be attacked by Saxons or Northmen (Henstra 2000:327, Richthofen 1840:102, Wiarda 1819:19). The lands had their own laws and their own seal. In this sense, they functioned as independent jurisdictions although they were allied through having military responsibilities towards one another.

The *malloberg*, *thunginus*, and *centenanius*, *Lex Salica*

As previously mentioned, Tacitus differentiates between the *pagus*-level and annual collective assemblies or cult gatherings that took place at a regional level. It is unclear whether the *pagus* was subdivided into lesser jurisdictional areas at that time. The Salician Law (*Lex Salica*) of the Frankish area, one of the Germanic tribal laws, contains the most tangible information regarding this point. This law was compiled between A.D. 507 and 511, presumably by order of King Clovis I, and the earliest manuscripts date to the 8th century (Drew 1991:53). Clovis' core area of power was *Neustria* and *Austrasia*; he conquered the present-day area of southern France (*Aquitaine*) and *Swabia* at the beginning of the 6th century. Immediately following these events, the need to develop a mutual law that applied to the entire kingdom could have arisen, acting as the catalyst for the development of the *Lex Salica* (Eckhardt 1969, Kroeschell 1972, von Amira 1913:23–24). This merging process is also indicated in the short prologue (from A.D. ca. 700) explaining the origin of the law, which names four just men, who were chosen from many: Wisogast, Arogast, Salegast, and Widogast (Kroeschell 1972, Wood 1998:111). Allegedly, these men came from Bothem, Salehem, and Widohem beyond the Rhine and thus presumably were from the northeast part of Austrasia (the later Francia).[9] Most likely, these men were assembly leaders or acted as legal authorities in the areas from which they came. Supposedly, at three larger assemblies (*mallos convenientes*), these men debated the sources of litigation and gave judgement on each of these sources (Wormald 2003:28).

According to the *Lex Salica*, both *thunginus* and *centenanius* held the right to convene an assembly when a certain type of property transaction was to take place (*acfatmire*) (Drew 1991:108, 110; Eckhardt 1969:44, 46). The *centenani* was associated with the *centena,* which has traditionally been recognized as a subordinate *thing* area of the *pagus* (Drew 1991:229 note 26). Such transactions followed specific procedures at certain correct assembly sites, and the transaction was only legitimate if it occurred at a *malloberg* in the presence of a

king (*teoda*) or a *thing* leader (*thunginus*) (Drew 1991:111).[10]

The *malloberg*, connected to OHG *mahal* (law assembly)*,* is not only mentioned in this law but is also found in many place-names (Fig. 5; Hensch 2010:54–55; Hensch and Michl, in press). The use of alliteration and the oral form (*… teoda aut thunginum*) indicates an old age of this specific passage. The American historian and linguist Leo Wiener (1915) discussed the meaning of *thuniginus* more thoroughly and concluded the word referred to a dignified, elderly warrior of high standing. The term *thuniginus* fell out of use in the Frankish era, when it was replaced by *count* (as judge; Wiener 1915:26, 35–36). A likely interpretation is that the *thunginus* functioned as a leader of the *pagus*, or a larger unit, whereas the *cenetarius* was the leader of the local assembly*,* which still held the right to convene regional assemblies to adjudicate property transactions.

Somewhat simply, I interpret this as evidence for the early existence of a tripartite *thing* system in the Frankish core area: law speakers (men like Wisogast, Arogast, Salegast, and Widogast) were present in larger areas, and the *thunginus* acted as a mid-level *thing* leader, whereas the *cenetarius*—*the* Germanic *hunto*—led local *things*.

The hundreds

Much is unclear about the hundred in the research literature. The origin of the word *centena* is not entirely clear. *Cent* means one hundred, and evidence shows that *centena* was perceived as synonymous with *hundred* in A.D. 1070 (*centuni = hunnenduom*) (Gawlik 1978:1028, Kroeschell 2000:239).

According to the *Heerestheorie*, the term hundred indicates the number of men assembled for military campaigning. Others have argued that the number is not to be taken literally but instead indicates a hoard of men (*Haufentheorie*). One final theory is that the word denotes a hundred settlements (*Hufentheorie*) (Andersson 2000:236–238). The German researcher Heinrich Dannenbauer (1958) believed that the Frankish *centena* was originally the jurisdiction of the *Königsfreie* (*liberi, ingenui, franci homines*)*,* who were free individuals subject to military obligations. Other scholars have viewed the *centena* as meaning units subject to and led by a *hunto* in order to strengthen Frankish influence (Hensch 2010:53–54, Kroeschell 1972:229). Apparently, some *Königsfreie,* who were denoted as *Bargilden*, *Biergelden*, or *Barschalken,* "survived" in Germany as free peasants until the High Middle Ages when they finally disappeared (Feed 1976:223–224).

Beyond the vague information provided by Tacitus regarding this matter, the *centena* is only initially supported, with any degree of certainty, in two decrees by King Chlothar (AD 511–558) and King Childebert (AD 596) (Murray 1988, Wormald 2003:39). Clearly, the *centena* played a role in the judicial system. These units were held liable for compensation if community members were subjected to theft due to lack of security or caused by conspiracy, or if a thief was not extradited to another *centena* (*Pactus pro tenore pacis* 84; Eckhardt 1962:99–102). A person who refused a request by a *centenarius* or any other judge to institute proceedings against a criminal had to pay a fine of 60 *solidi* (Decretio Childeberti 3:1, Eckhardt 1962:4–5). In

Figure 5. A view from the top of Mahlberg, Frechetsfeld, close to Nuremberg, Bavaria, Germany. The prefix *mahl* derives from OHG *mahal*, meaning assembly site. The site is located in the middle of the manorial complex of Lauterhofen, a royal villa prior to A.D. 788. Photograph © Mathias Hensch.

this way, a *centenarius* functioned as an assembly leader/judge in a *centena*.

The Swedish place-name scholar Thorsten Andersson (1982, 2000) has shown that the *Hundertschaft* existed outside, and in the periphery of, the Carolingian kingdom. This author finds linguistic evidence for this in four areas: Uppland and Gotland in modern Sweden, Frisia, and Alamannia. The earliest toponymic evidence occurred in Alamannia in A.D. 776 (in *Hattenhuntare*), and there are eight occurrences before A.D. 1007. Seven names are known in the German Federal State of Baden-Württemberg and one in present-day Switzerland by the Bodensee. Four of these are also mentioned as *pagi*, confusing the picture.

There are two certain cases of *hundreds* in Frisia, but the system is best known from Uppland in Sweden, where this (*hundari*) was the local *thing* area (Andersson 2000:233–238). Three larger jurisdictions were subdivided: *Tiundaland* ("land with ten hundreds"), *Attundaland* ("land with eight hundreds"), and *Fjärdrundaland* ("land with four hundreds"). Collectively, these jurisdictions accounted for one main *thing* district, in addition to Västmanland, Södermanland, and Roden (*Sjáland*). Several of these provinces had their own law, and when not in compliance, the law of Uppsala had the highest authority. The *lǫgmaðr* of Tiundaland was the leading law speaker, and the main *thing* was located at Uppsala in Tiundaland, according to Snorri Sturlusson (The saga of Olaf the Holy ch. 77; Holtsmark and Seip 1979:227). The initial versions of the names *af Tindæ landi* and *Fiærðundæ landi* were documented during the 1300s, in conjunction with events that had taken place in the mid-11th century. However, the earliest certain account is the Florence document from A.D. 1120, which includes the variants *Tindia*, *Fedundria*, and *Atanth* (Lundberg 1982:402).

These arithmetic names are unique in the European context and indicate planned territories, likely comparable to counties and *sýslur* in Norway and Denmark. In Norway, the term *sýsla* appears in the early 11th century (Iversen 2008:18–19). England was likewise organized in hundreds, as systematically recorded in the Domesday Book from A.D. 1066. In this case, hundreds were subdivisions of shires, which in many cases were identical with counties. However, some Anglo-Saxon kingdoms only consisted of one shire (Sussex and Kent) but were subdivided in rapes and lathes, which may or may not indicate the existence of different levels in the *thing* system (Baker and Brookes 2013 [this volume], Brookes and Harrington 2010).

Final Remarks

The transformation from petty to supra-regional kingdoms in northern Europe between the 8th and the 14th centuries has previously been viewed as a teleological process that resulted in "nature-given" national states (Bagge 2003). It is now clear that "state formation", or the development of supra-regional kingdoms, was a complex process in which assembly sites and units must have played a crucial part. The written sources reviewed here suggest the possibility of a tripartite early *thing* system existing in Austrasia and further north, including the Scandinavian countries. The *thing* changed as a result of stronger royal force and the growth of counties. Most likely, the assemblies held at both the top and medium levels were representational *things*, while the exact character of the local assembly was vaguer. Even if the sources are somewhat confused and difficult to interpret, the many and strong similarities among sources from Tacitus to the Scandinavian provincial laws are striking.

This system may not have emerged in every part of northern Europe, and it was certainly subject to regional variability and change over time. A challenge remains to find out why such a conservative system changed at different times in different regions. There is a need for a better understanding of which functions were held by different *things* concerning crime, land ownership transfer, law making, military matters, and cult practices. In-depth studies of the sites involved are essential, in addition to examining who controlled these sites. Will it be possible to maintain the traditional distinction between a "communal" and a "royal" assembly system or is the boundary between these more blurred than previously thought? Changes in the spatial organization of assembly sites hold the key to such questions and ares, as such, fundamental for understanding the assembly system in northern Europe from a long-term perspective.

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Endnotes

[1]*De minoribus rebus principes consultant; de majoribus omnes: ita tamen, ut ea quoque, quorum penes plebem arbitrium est, apud principes pertractentur* (ch. 11).

[2]*Eliguntur in iisdem conciliis et principes, qui jura per pagos vicosque reddunt. Centeni singulis ex plebe comites, consilium simul et auctoritas, adsunt* (ch. 12). Tacitus is cryptic when he refers to *pagi*, with a mobilization of one hundred foot soldiers (ch. 6). He states that what was once just a number (one hundred) now holds the characteristics of honor.

[3]*Ut turbae placuit, considunt armati* (ch. 11).

[4]Tacitus mentions *frameas* in chs. 6 and 11. This word has been associated with the ON *þremjar*, double-edged sword (Width 1997:66), though it is usually translated as *spear*, not sword.

[5]Online version of the Deutsches Rechtswörterbuch (DRW): http://drw-www.adw.uni-heidelberg.de/drw/. Accessed 13 June 2013.

[6]*Suebos, postea quam per exploratores pontem fieri comperissent, more suo concilio habito nuntios in omnes partes dimisisse, uti de oppidis demigrarent, liberos, uxores suaque omnia in silvis deponerent atque omnes qui arma ferre possent unum in locum convenirent* (Caesar 4.19.2).

[7]*Renovabant ibi leges, praecipus causas adiudicabant et quid per annum essent acturi, sive in bello sive in pace, communi consilio statuebant* (Hucbaldus 1934:792).

[8]Online version of the Deutsches Rechtswörterbuch (DRW): http://drw-www.adw.uni-heidelberg.de/drw/. Accessed 13 June 2013.

[9]The areas cannot be safely identified, despite many attempts having been made to do so. There is a tangible coincidence of similarities between the person- and place-names. This gives reason to suspect that errors have been made during transcription.

[10]*… ante regem aut in mallo publico legitimo hoc est in mallobergo ante teoda aut thunginum* (*Lex Salica*; Eckhardt 1969:46, 6).