Polity and Neighbourhood in Early Medieval Europe
THE MEDIEVAL COUNTRYSIDE

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Polity and Neighbourhood in Early Medieval Europe

Edited by

Julio Escalona, Orri Vésteinsson, and Stuart Brookes
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The FES2 Project group, 31 May 2012 (Photo: Gonzalo Viñuales).
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Finally, the editors would like to offer our wholehearted thanks to all the members of the FES2 Project group. We have spent the better part of a decade working closely together, sharing thoughts and experiences and, most importantly, carrying out research with friends. To the whole FES2 gang, the editors dedicate the photographs above, which illustrate the joys and tribulations that create strong intellectual and personal bonds.
Throughout the volume charters are cited by number of the edition in which they are published, and in the case of Spanish archives by number within a carpeta (folder).

ACLu Archivo de la Catedral de Lugo

AHUS Archivo Histórico Universitario de la Universidad de Santiago de Compostela

Ast Colección documental de la catedral de Astorga, ed. by Gregoria Cavero Domínguez and Encarnación Martín López (León: Centro de Estudios e Investigación ‘San Isidoro’ — Caja España de Inversiones — Archivo Histórico Diocesano, 1999)

B Colección Diplomática del Monasterio de Belmonte, ed. by Antonio C. Floriano Cumbreño (Oviedo: Instituto de Estudios Asturiano, 1960)

Ben Colección diplomática de la Abadía de Santa María de Benevivere: (Palencia) 1020–1561, ed. by Luis Fernández (Madrid: Escuela Gráfica Salesiana, 1967)

C Colección documental del monasterio de San Pedro de Cardeña, ed. by Gonzalo Martínez Díez (Burgos: Caja de Ahorros y Monte de Piedad del Círculo Católico de Obreros, 1998)

Cel O tombo de Celanova: estudio introductorio, edición e índices (ss. IX–XII), ed. by José Miguel Andrade Cernadas, Marta Díaz Tie, and Francisco Javier Pérez Rodríguez, 2 vols (Santiago de Compostela: Consello da Cultura Galega, 1995)
Abbreviations


Li  Colección documental del archivo de la catedral de León (775–1230), vol. i, (775–952), ed. by Emilio Sáez (León: Centro de Estudios e Investigación ‘San Isidoro’ (CSIC-CECEL), Caja de Ahorros y Monte de Piedad, Archivo Histórico Diocesano, 1987)

Lii  Colección documental del archivo de la catedral de León (775–1230), vol. ii, (953–985), ed. by Emilio Sáez and Carlos Sáez (León: Centro de Estudios e Investigación ‘San Isidoro’ (CSIC-CECEL), Caja de Ahorros y Monte de Piedad, Archivo Histórico Diocesano, 1990)

Liii  Colección documental del archivo de la catedral de León (775–1230), vol. iii, (986–1031), ed. by José Manuel Ruiz Asencio (León: Centro de Estudios e Investigación ‘San Isidoro’ (CSIC-CECEL), Caja de Ahorros y Monte de Piedad, Archivo Histórico Diocesano, 1987)

Liv  Colección documental del archivo de la Catedral de León (775–1230), vol. iv, (1032–1109), ed. by José Manuel Ruiz Asencio (León: Centro de Estudios e Investigación ‘San Isidoro’, Caja de Ahorros y Monte de Piedad, Archivo Histórico Diocesano 1987)

O  Colección diplomática de San Salvador de Oña (822–1284), ed. by José Del Álamo, 2 vols (Madrid: CSIC, 1950)

OA  Colección diplomática medieval de la Orden de Alcántara (1157–1494): De los orígenes a 1454, ed. by Bonifacio Palacios Martín (Madrid: Universidad Complutense, 2000)
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<td>Colección documental del monasterio de Santa María de Otero de las Dueñas, vol. 1, (854–1108), ed. by José Antonio Fernández Flórez and Marta Herrero de la Fuente, Fuentes y Estudios de Historia Leonesa, 73 (León: Centro de Estudios e Investigación ‘San Isidoro’, 1999)</td>
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<td>Ov</td>
<td>Colección Diplomática del monasterio de San Vicente de Oviedo, (años 781–1200), ed. by Pedro Floriano Llorente (Oviedo: Instituto de Estudios Asturianos, 1968)</td>
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<td>OvC</td>
<td>Colección de documentos de la catedral de Oviedo, ed. by Santos Agustín García Larragueta (Oviedo: Diputación Provincial de Asturias — Instituto de estudios asturianos — Patronato José Ma Quadrado, 1962)</td>
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<td>PMH-DC</td>
<td>Portugaliae Monumenta Historica a saeculo octavo post Christum usque ad quintumdecimum, Diplomata et Chartae, ed. by Alexandre Herculano de Carvalho e Araujo and José da Silva Mendes Leal, vol. 1 (Lisboa: Academia Scientiarum Olisiponensis, 1867–73)</td>
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<td>S</td>
<td>Anglo-Saxon Charters: An Annotated List and Bibliography, ed. by Peter H. Sawyer (London: Royal Historical Society, 1968); available online in a revised and updated form at <a href="http://www.esawyer.org.uk">http://www.esawyer.org.uk</a></td>
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<td>SantA</td>
<td>La documentación del Tumbo A de la catedral de Santiago de Compostela: Estudio y edición, ed. by Manuel Lucas Álvarez (León: Centro de Estudios e Investigación ‘San Isidoro’, 1997)</td>
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<td>Sgi</td>
<td>Colección diplomática del monasterio de Sahagún (857–1230), vol. 1, (siglos IX y X), ed. by José María Mínguez Fernández (León: Centro de Estudios e Investigación ‘San Isidoro’, Archivo Histórico Diocesano, Caja de Ahorros y Monte de Piedad de León, 1976)</td>
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<td>Sgii</td>
<td>Colección Diplomática del Monasterio de Sahagún (857–1230), vol. II, (1000–1073), ed. by Marta Herrero de la Fuente (León: Centro de Estudios e Investigación ‘San Isidoro’, Archivo Histórico Diocesano, Caja de Ahorros y Monte de Piedad de León, 1988)</td>
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T  *Cartulario de Santo Toribio de Liébana*, ed. by Luis Sánchez Belda (Madrid: Archivo Histórico Nacional, 1948)
This paper aims to investigate the establishment of larger regional law-areas in Scandinavia in the second half of the first millennium AD. In Europe today, power and legal authority are transferred from states and nations to the European Union through legislation. The supranational courts of the EU — the Court of Justice of the European Union in Luxembourg — play a major role in these processes. While in the Middle Ages the scale of institutions was different, the principles involved were much the same. By the turn of the first millennium there were about twenty supra-regional kingdoms in Europe, of which three were in Scandinavia: Norway, Sweden, and Denmark.¹ In these three kingdoms between the eleventh and fourteenth centuries, there were c. twenty law provinces (Figure 6.1), most of which have surviving law-codes; indeed, in several provinces ‘older’ and ‘younger’ versions of the laws survive.²

Much is unclear regarding the processes by which such law provinces formed. It is likely that pre-existing ‘folk lands’ fused together into larger law-areas, but it is uncertain whether this was the result of ‘bottom-up’ or ‘top-

¹ Leciejewicz and Valor, ‘Peoples and Environments’, p. 70.
² Iversen, ‘Community and Society’, p. 6.

Professor Frode Iversen, University of Oslo, is a Viking Age specialist in the field of historical archaeology and geography. His research focuses on kingdom formation in northern Europe, the archaeology of assembly places (things) and settlements, and medieval legal systems.
down’ dynamics. Were these ‘self-grown’ (‘bottom-up’) federations reflecting a community need? Or was elite and royal power (‘top-down’) a major driver? Alternatively, might these law-areas have emerged from co-operation between strata of landowners associated with assemblies, the thing, and a political elite with supra-regional ambitions (‘middle out’)? How much was due to the need for protection and as a response to external threats?

Figure 6.1.
To explore these questions, I will investigate the Gulathing law-area in western Norway. In scholarly debates this region is often considered to be the place where supra-regional power in Norway first arose during the ninth and tenth centuries. It has been argued that Trøndelag was the first province in an expanding supra-regional kingdom, to which other parts of Norway were gradually integrated from the eleventh century onwards. I will ask what the deeper ‘organizational root’ was for these developments.

The role of the thing in these processes is not well understood. The thing was a secular institution for justice in Scandinavia and has been defined as a ‘multi-functional venue for discussion and determination of any matter of communal concern’. The Old Norse (ON) terminology for various things is diverse and rich (Table 6.1). The thing had a strong collective character. In Norway, the highest ranked legal assembly was termed in Old Norse (ON) lögþing (law-thing). It served a larger area with its own law-code. These top-ranking legal assemblies were representational, drawing on a fairly large population. In sharp contrast, at a local level, meetings were not representational, all householders within the district gathered. Attendance was optional for some groups (for example, householder widows, the ill and immobile), while those who ran their farm alone and without assistance were required to attend only the three most important annual meetings: the manslaughter thing, royal thing, and census thing.

The transition from acephalous societies to larger kingdoms changed the thing-system. As supra-regional kingdoms emerged over the course of the tenth to thirteenth centuries, the thing came increasingly under royal authority. Consequently, the power of the thing has been regarded as a mirrored reflection of the power of the state: the stronger the state is, the weaker the local and regional thing institutions are. However, the thing did not exist in a void: things were socially, morally, and potentially religiously attached to both communities and larger societies. The question is, therefore, how the development towards larger law provinces developed and under whose initiative.

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4 Sigurðsson, Det norrøne samfunnet.


6 Gulathinglaw, ed. by Eithun, Rindal, and Ulset, p. 103 (G 131).

7 Imsen, Norsk bondekommunalisme, p. 11; Wenskus, ‘Ding’, p. 445.
Table 6.1. Norse terminology for various *things*. There are at least twenty-five ON words describing *things* of different types. Meetings are named after the cases brought to court, for example ‘manslaughter *thing*’. At other times they are named after the administrative district they served. A *quarter-thing* was a meeting held for a quarter of a larger district. In some cases, the meeting was named after the time or season in which it was held, for example a spring-assembly. The actual site where meetings took place was named a *pingstad* m., *pingstöð* f., which translates as ‘*thing*-place’. There were both meetings at fixed times and extraordinary meetings called when unexpected events occurred. Source: Fritzner, *Ordbok over det gamle norske sprog*.

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<td>almannaþing</td>
<td>n An ordinary local assembly</td>
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<tr>
<td>álýktaþing, lyktarþing</td>
<td>n Assembly empowered to make a final decision</td>
</tr>
<tr>
<td>dagþing</td>
<td>n A <em>thing</em> held for a specific case</td>
</tr>
<tr>
<td>fararþing</td>
<td>n Unclear?</td>
</tr>
<tr>
<td>fimtarþing</td>
<td>n Assembly to be held after five days’ announcement</td>
</tr>
<tr>
<td>fjörðungsþing</td>
<td>n Assembly for a quarter of a province</td>
</tr>
<tr>
<td>fylkisþing</td>
<td>n Assembly for a province (the fylke)</td>
</tr>
<tr>
<td>gangdagaþing</td>
<td>n A <em>thing</em> held during the three days before Ascension Day (usually in May)</td>
</tr>
<tr>
<td>haustþing</td>
<td>n Autumn assembly</td>
</tr>
<tr>
<td>heimfaroþing</td>
<td>n Assembly at home by a man that owes somebody compensation</td>
</tr>
<tr>
<td>heraðsþing</td>
<td>n Assembly for the herad district (local <em>thing</em>)</td>
</tr>
<tr>
<td>höfuðþing</td>
<td>n A main <em>thing</em></td>
</tr>
<tr>
<td>hölfuþing</td>
<td>f Assembly for half of a province (the fylke)</td>
</tr>
<tr>
<td>hreppstjórnarþing</td>
<td>n Assembly for the Hreppar district</td>
</tr>
<tr>
<td>kirkjusóknarþing</td>
<td>n Parish <em>thing</em></td>
</tr>
<tr>
<td>konungþing</td>
<td>n Assembly held by the king</td>
</tr>
<tr>
<td>lögþing</td>
<td>f <em>Law-thing</em>, assembly for all the representatives of the law-area, to be held once a year, prior to 1274 empowered to make laws</td>
</tr>
<tr>
<td>manndrápsþing</td>
<td>n Manslaughter <em>thing</em></td>
</tr>
<tr>
<td>manntalsþing</td>
<td>n Assembly where the number of men for the levy is counted</td>
</tr>
<tr>
<td>miðfóstuþing</td>
<td>n A <em>thing</em> that takes place in the middle of a fasting period</td>
</tr>
<tr>
<td>mótsþing</td>
<td>n A <em>thing</em> that takes place in a town or marketplace</td>
</tr>
<tr>
<td>refsingarþing</td>
<td>n Assembly that imposes on the fine</td>
</tr>
<tr>
<td>refsþing</td>
<td>n Assembly to punish culprits</td>
</tr>
<tr>
<td>setnaþing</td>
<td>n Final/closing assembly</td>
</tr>
</tbody>
</table>
The new contributions presented in this paper do not concern either the general thing-organization or the political history of Norway, both of which are topics that have received comprehensive examination elsewhere. Instead, I will examine the courtyard sites of Sogn and Firda, which have not previously included in a study of thing practices. I will make the case that these sites are very relevant to understanding the early systems of administration existing in the kernel of the kingdom. Courtyard sites are a specific type of archaeological site found in Norway and Iceland. They are often defined as a collection of house foundations around an oval or semicircular area (tun). Detailed overviews of their research history are provided by several authors. The view expressed by Oliver Grimm and Frans-Arne Stylegar, that courtyard sites were multifunctional and ‘served [...] social/cultural, judicial, ritual and military purposes, and additionally as places of trade/handicraft’, is convincing, and like the Norwegian archaeologist Inger Storli, I would like to emphasize their role as assembly sites.

Did the courtyard sites of Sogn and Voss have a judicial role in the ‘presupra-regional kingdom’, and if so, at what level did they operate? Several scholars have pointed out that the Icelandic assembly booths may represent later parallels to Norwegian courtyard sites. In Iceland, twenty-seven booth sites are known, many of which have been subject to archaeological investigation to varying degrees. These sites were in use from the tenth to the twelfth centu-

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<table>
<thead>
<tr>
<th>Old Norse</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>skapþing</td>
<td>n Assembly where a law is created / decided</td>
</tr>
<tr>
<td>skattþing</td>
<td>n Assembly to claim tax</td>
</tr>
<tr>
<td>skipreidþing</td>
<td>n Levy assembly</td>
</tr>
<tr>
<td>skirslarþing</td>
<td>n Assembly to prove one’s innocence</td>
</tr>
<tr>
<td>skuldaþing</td>
<td>n Assembly where one pays the debts to another person</td>
</tr>
<tr>
<td>söknarþing</td>
<td>n Assembly to decide upon compensation</td>
</tr>
<tr>
<td>sýslumannaþing</td>
<td>n Assembly that the sysselmann makes in his syssel three weeks after the law-thing</td>
</tr>
<tr>
<td>vápnaþing</td>
<td>n Weapon thing — inspecting equipment</td>
</tr>
<tr>
<td>várþing</td>
<td>n Spring assembly</td>
</tr>
<tr>
<td>þriðjungsþing</td>
<td>n Assembly for a third of a province</td>
</tr>
</tbody>
</table>
ries, possibly until Iceland was integrated by the Norwegian kingdom in 1262. However, it should be pointed out that the irregular pattern of booths makes them different from the Norwegian courtyard sites.

My own research has shown a possible connection between the Norwegian courtyard sites and administrative areas known from the twelfth to thirteenth century onwards. The number of houses at these sites often corresponds to the number of local assembly units within historically documented areas. This suggests that each local community had its own booth at the site, just as the system seems to have functioned in Iceland with a possible correspondence between the number of booths and surrounding parishes. This connection has not been previously investigated for Sogn and Voss, and will therefore be attempted here.

**Background: The Historical Law-Areas of Norway**

Early Norway was an unstable political unit dominated by alternating groups of rival elites. The shifting political provinces that resulted from these conflicts contrasts with the more stable law provinces. In the tenth century, political power in Trøndelag gathered around the so-called Earls of Lade (*Ladejarlene*), who sought alliances with kings in Denmark. The last of the Earls of Lade, Earl Hakon Eriksson (998–1030), was banished in 1015 and went to serve King Cnut the Great in England, becoming — according to Anglo-Saxon sources — Duke (*dux*) of Worcestershire in 1019. Thereafter, rule in Trøndelag continued to be unstable and was marred by long-lasting civil wars c. 1130–1240. By contrast, there are reasons for believing that the judicial system gave some stability to the different regions. In all probability it was more complicated to alter a law province than it was to change political power-regions where personal bonds and alliances played a major role. It was only in 1274, during the reign of Magnus the Lawmender, that the whole Norwegian kingdom gained a common law, and this was a major step towards a unified kingdom, in both political and judicial terms.

According to *Historia Norwegie* (c. 1150–75), the Norwegian kingdom consisted of three distinct topographical areas: (1) coastal lands (*Zona itaque maritime*), (2) the middle or mountain area (*Mediterranea zona/De montains Norwegie*) of inland southern Norway, and (3) the land of the Sámi (*De Finnis*) in arctic northern Norway and the forested areas bordering present-day Sweden.

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11 *Historia Norwegie*, ed. by Ekrem and Mortensen, pp. 54–64.
Each of these topographical areas maintained different laws:

1. The coastal landscape of Norway was organized in four *patriae* (law provinces): Viken to the east (*Sinius orientalis*), the Gulathing (*Gulacia*), Trondheim (*Trondemia*), and Hålogaland (*Halogia*). Within each of these law provinces existed a principal *thing* known as the law-thing (*lögþing*). Different provincial laws applied to different regions of the coastal land: the Borgarthinglaw in the south-east, the Gulathinglaw in the south-west, and the Frostathinglaw in the middle and northern Norway, including Hålogaland.

2. The Eidsivathinglaw applied to the mountain land, corresponding to Hamar diocese founded in the mid-twelfth century. The Eidsivathing law province was reorganized after the civil wars, with parts around the edges (Øvre Telemark, Numedal, Tverrdalene, and Ringerike) coming under the jurisdiction of the Borgarthing. Stronger links were made between the mountain lands and the royally controlled coastal towns of Skien, Tønsberg, and Oslo. The reorganization of the mountain land may be seen in the context of the civil wars. The last ‘rebel leader’ of the ‘mountain-land’, Sigurd Erlingsson Ribbung, died in 1226, and when the powerful Duke Skule Bårdsson in Trøndelag was killed in 1240, internal regional resistance in the Norwegian kingdom was weakened. King Håkon Håkonsson used the opportunity to strengthen his position and powerbase. During his reign ‘the mountain land’ was reorganized according to strategic economic interests exploiting the inland resources.

3. According to *Historia Norwegie*, the Sámi paid a large annual tribute (pelts from squirrels and ermines) to the Norwegian kings, ‘who are their overlords’, and had otherwise an independent position, to some extent comparable to tribute-paying areas such as the Faroes, Shetland, Orkney, Iceland, and Greenland. Iceland did not pay tribute to Norway in secular terms before 1264. As Lars Boje Mortensen has pointed out, the passage in *Historia Norwegie* mentioning tribute from Iceland probably refers to the tithes the bishops of Iceland paid to the archbishop in Niðarós. This also suggests that *Historia Norwegie* was written after 1152/53, when the Niðarós Church Province was established.

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12 Iversen, ‘The Urban Hinterland’.
13 Iversen, ‘The Urban Hinterland’.
15 *Historia Norwegie*, ed. by Ekrem and Mortensen, p. 12.
According to *Historia Norwegie*, the law provinces on mainland Norway were divided into minor administrative areas (shire). In the 1160s, there were thirty-three shires in the coastal land. The main thing for a shire was named the shire-thing (*fylkisþing*). In some provinces half-shire-things (*hölfuþing*) existed. The provinces were further subdivided into smaller units, with quarter-things (*fjörðungsþing*), third-things (*þriðjungsþing*) or ship-district-things (*skipreiðuþing*). Various things existed at the lowest levels. Generally they were called *almannþing*, meaning both ‘regular thing’ and ‘all men thing’. Estimates suggest that a total of c. 550 local thing sites may have existed in Norway in the Middle Ages.

At first glance, the Norwegian thing system within each law province appears hierarchical. However, a closer study shows that all courts on all levels had the same judicial competence. A higher-ranked court could not overrule the verdict from a lower-ranked court, and there was not an appeal system such as exists in modern times. The disputing parties had a need for a ‘neutral thing’ — a court accepted by both sides. One important reason why the judicial system worked at various geographical scales may be because of where people involved in cases came from. Although few sources attest this, one might suppose that higher-ranked things tended to involve cases concerning elites, since these had greater geographical interactions than ordinary people; hence, the higher-ranked courts treated cases that involved people from a wider area. However, when court members could not agree on a decision, the case could be referred up to three times to a higher-level court.

With regards to location, things at the various levels had different stabilities. The majority of law-things (seven of the nine existing in 1223) were relocated to urban centres during the fourteenth century. Some of the rural sites had earlier moved between rural locations, as is recorded for both the Eidsivathing in the ‘mountain land’ and Gulathing in western Norway. Less is known about the stability of mid-level things — the *fylkisþing* (shire-thing) and *fjörðungsþing* (quarter-thing). The *fjörðungsþing* can be observed in written sources from the twelfth century until 1623 in western Norway, at which point it ceased to exist.

Thing-meetings were probably important in the development of a geographically bound identity (‘geo-identity’), especially in local communities
where meetings were held frequently and a large proportion of the population participated. According to the twelfth-century law of Gulathing, all householders were obliged to attend community thing-meetings, both those who rented land and those who owned land.\(^\text{18}\) Attendance was voluntary for disabled householders and widows with landed property.\(^\text{19}\) This suggests that originally local things were closely connected to a stratum of landowners.\(^\text{20}\)

Only a minority of the population participated in meetings of the mid- and higher levels. The ‘geo-identity’ that evolved through these forms of cooperation was probably weak compared to that of local identity. The mid- and higher-level meetings were based on representations from communities. The delegates for such meetings where appointed at lower-level things. The Norwegian system had three to four levels. Local units comprised \(c.\ 50–150\) farms with even more households, and mid-level units, such as the quarter-thing, were made up of \(c.\ 5–20\) local communities with a fixed meeting-place central to the area.

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18 Iversen, ‘Die frühe norwegische Dingordnung’.
19 *Gulathinglaw*, ed. by Eithun, Rindal, and Ulset, p. 131.
A few hundred delegates attended top-level assemblies. Meetings were mandatory, and the delegates received fines for absences without due cause. The meetings were held outdoors, and anyone who wished was able to follow the proceedings without themselves being a delegate. However, it is uncertain how common it was that an audience was in attendance, beyond those individuals directly involved in the case. At top-level meetings, the most prominent men of the king also attended, along with the bishop and a certain number of priests appointed by him. A law-man led proceedings. The function of the law-man gradually evolved from being an adviser for the court in the eleventh and
twelfth centuries, to that of a regular royal judge during the thirteenth century — he became the king’s man.

In 1274 the highest ranked legal assemblies in Norway were organized with a ‘court’ (ON lagrett) of thirty-six men. Its members were selected from the wider group of delegates. According to the law of 1274, 485 delegates attended the Frostathing in Trøndelag, while only 90 attended the Eidsivathing. In the case of the Gulathing-area there exists information about changes made to the delegations between c. 1020 and 1274. During this period the law-area was extended to the north, south, and east, and the number of delegates was reduced
from c. 400 in the early eleventh century to 248 in the mid-twelfth century to 148 in 1274 (Table 6.2; Figures 6.2 and 6.3). The reason for this reduction is unknown. It may reflect a political strategy whereby kings sought to reduce the ‘communal’ impact on the judicial system. It may also have been a cost-cutting exercise, as delegates were compensated for their journeys according to the distance travelled to meetings. Judging by the size of compensation, which is specified in law, the total annual cost of arranging law-things in Norway in 1274 was close to a hundred kilograms of silver. The cost must have been considerably higher in earlier periods when a greater number of delegates attended meetings.

**The Gulathing Law-Area**

From his analysis of *Egil’s Saga* the historian Knut Helle has suggested that around AD 930 the Gulathing only covered the areas of Sogn, Firda, and Hordaland. Following Helle’s idea, I have proposed four chronological stages in the development of the Gulathing law province. This illustrates the dynamic processes of increased interaction between smaller communities during the transformation to larger societies: expanding from a nucleated core of three counties in the tenth century, through the addition of coastal counties in the north and south in the eleventh century, and the inclusion of inland areas during the twelfth and thirteenth centuries. It is unclear whether kings were the driving force behind these developments.

In the eleventh century, 375 representatives met at the Gulathing (Table 6.2). They came from the areas of Agder (Lista) (27), Rogaland (102), Hordaland (Sunnhordland and Nordhordland) (102), Sogn (64), and Firda (80), in addition to an undetermined number from Sunnmøre. The king’s barons and bailiffs, in addition to the priests of the parishes, were obliged to attend. According to the later Magnus text, from the reign of Magnus Erlingsson (1161–84), only 246 representatives attended the meetings, 16 of whom arrived from Sunnmøre. This shows a reduction of c. 150 representatives over c. 150 years. Seven barons from the coastal provinces, excluding Nordhordland which was close to the thing site, had to stay at home during the assembly to guard the region, as there was fear of possible conflict. The bishop appointed two parish priests from

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22 Iversen and Gullbekk, ‘The Price of Justice’.
23 Helle, *Gulatinget og Gulatingslova*.
24 Iversen, ‘Community and Society’. 
each county. During the thirteenth century, the number of delegates decreased. According to the Rural Law of Magnus the Lawmender only 148 representatives attended the assembly after AD 1274, which is approximately 40 per cent of the attendees of the eleventh century. In addition to the barons and the bailiffs, the king himself and the bishops’ stewards (ON ármenn) were obligated to attend the assembly.

The coastal areas of Norway were organized into c. 270 ship-districts, skipreidur. The skipreidur were territorial units that were originally related to the naval defence system known as the leiðangr. They were also judicial units. The leiðangr was one of the few ‘national structures’ in the Norwegian kingdom prior to the eleventh century. It is commonly asserted on the basis of later traditions that this was organized during the reign of Håkon the Good (c. 920–60). The Saga of Snorri declares that King Hakon the Good played a decisive role after disputes with his Danish-supported nephews:

King Hakon after this battle made a law, that all inhabited land over the whole country along the sea-coast, and as far back from it as the salmon swims up in the rivers, should be divided into ship-districts according to shires; and it was fixed by law how many ships there should be from each shire, and how great each should be, when the whole people were called out on service. For this outfit the whole inhabitants should be bound whenever a foreign army came to the country. With this came also the order that beacons should be erected upon the hills, so that every man could see from the one to the other; and it is told that a war-signal could thus be given in seven days, from the most southerly beacon to the most northerly thing-district in Hålogaland.

The commitment made by each region of the kingdom is recorded in Gulathing law. It states the number and size of the ships each different region was required to contribute. The law distinguishes between ‘people from’ Viken (Vikverir), Grenland (Græna), Agder (Egðir), Rogaland (Rygir), Hordaland (Horðar), Sogn (Sygnir), Firda (Firdir), Møre (Mærer), Romsdal (Raudmælir), Nordmøre (Nordmærer), Trøndelag (Trønder), Namdal (Namdaleir), and Hålogaland (Haleygir). Much greater attempt is made to stipulate the precise commit-

26 Ersland and Holm, Krigsmakt og kongemakt.
28 Gulathinglaw, ed. by Eithun, Rindal, and Ulset, p. 315.
ment of regions within the law-area, whilst outside it, in other parts of the kingdom, only larger regions are named. In this way, the Gulathing law outlined how much a given area — both inside and outside the Gulathing-area — should contribute to defence in the case of emergency. We do not know when these military unions arose, but it is likely that they built on older schemes that were scaled up incrementally to cover larger areas, and were only made uniform in the tenth century.

Alone in the Gulathing-area, there were 108 ship-districts (1274). These raised and equipped a total of 116 ships for the fleet. The reduction in the attendees to the Gulathing corresponds roughly with a decline from c. 3.7 delegates per ship-district in the eleventh century, to c. 2.3 delegates in the twelfth century, to only c. 1.2 delegates in 1274 (numbers excluding Valdres, Hallingdal, and Setesdal (Setr and Otradal)). During the period c. 950–1274 the leiðangr evolved from being a ‘direct system’, where communities themselves appointed the crew to the ships, to an ‘indirect system’ based on taxes funding the professional warriors of the king (hirð). In the long run, less direct involvement in the defence system may have weakened the local impact on the top-level thing.

Courtyard Sites: Multifunctional Thing-Sites
Predating the Supra-regional Kingdom?

We will now investigate whether the courtyard sites in Sogn, Firda, and Voss can shed light on the formation of the Gulathing law-area in an earlier period. Approximately thirty courtyard sites have been identified on the west coast of Norway, stretching from Lista in the south to Bjarkøy in the north. These fell out of use during the period AD 600–1000. In early discussions, these sites were regarded as being related to royal power or minor chiefdoms. In recent years, however, they have been reinterpreted as thing sites.29 I support this view. The use of and activity at these sites can be traced as far back as the second and third centuries AD. Many still functioned during the ninth and tenth centuries, and a few as late as the early eleventh century. These sites appear to have been especially suitable for longer stays, with (semi-)permanent structures providing space for lodging and feasting. It is surprising that there are no known parallels elsewhere in Scandinavia or northern Europe, with the exception of later

Figure 6.4. The courtyard sites in the investigation area and reconstruction of the Sausjord site (by Ragnar Børsheim, Arkikon). After Olsen, 'Undersøkelse av et eldre jernalders tunanlegg på Sausjord'.
Figure 6.5. The Voss and Aurland regions and the dramatic mountain landscape between, around 1900. Top: Coloured photo of Voss and the medieval main church at Vossevangen c. 1890-1900. © Photomuseum of Bergen. Middle: The medieval quarter and main settlement area of the Aurland quarter, 1920, photo: Olaf Andreas Svanøe. © Bergen Museum. Bottom: The Stalheim area around 1888, view towards Nærøy in Aurland quarter. Creative Commons.
versions in Iceland.\textsuperscript{30} Extensive or long commutes, sparse population, and rare occurrences of \textit{thing} meetings could be possible explanations as to why there are many courtyard sites elsewhere.

Within the tenth-century core area of the Gulathing there are four known courtyard sites (Figure 6.4).\textsuperscript{31} The site at Sausjord in Voss is the only completely excavated courtyard site of its kind in Norway and has revealed multiple phases of human activity, both before and after the period during which it was used as a courtyard site.\textsuperscript{32} In the second and third centuries, the site appears to have functioned as a trading post, as suggested by traces of iron production and up to fifty pits containing slag. At the end of the fourth century, twelve house-plots were established, all of which were in use throughout the sixth century and perhaps even later. Traces of at least 135 cooking pits were discovered, of which only seven or eight have been dated. These pits suggest that the place also functioned as a gathering place during the Viking Age and through the High Middle Ages.\textsuperscript{33} The function of the \textit{thing} could have been ascribed to a wider location rather than a specific courtyard site. One should therefore be cautious; the locations could have been places of gathering, both before and after the period when they functioned as courtyard sites.

The location of the Sausjord site is interesting. It lies close to the border between Voss and the quarter-territory of Aurland in Sogn (Figures 6.5, 6.6, and 6.7). In the Bjørgvin cadastre (c. 1350) quarters are recorded as ecclesiastical administrative units. From the Gulathing-law we also know that Sogn was divided into quarters in secular terms. The Aurland quarter most likely contained the four ship-districts — Fedjos, Systrond, Aurland, and Norum — and eight or nine parishes.\textsuperscript{34} I have previously pointed out that Voss was a region that was most likely integrated into the Gulathing-area during the twelfth or thirteenth centuries (phase 4), based on the numbers of delegates in the eleventh century compared to the size of the population from later historical censuses, while Sogn was part of the ‘Gulathing-core’.\textsuperscript{35} The site of Voss may predate the formation of the Gulathing-area. It is interesting that the number of

\textsuperscript{30} Vésteinsson, ‘What Is in a Booth?’.
\textsuperscript{31} Olsen, ‘Courtyard Sites in Western Norway’.
\textsuperscript{32} Olsen, ‘Undersøkelse av et eldre jernalder tunanlegg på Sausjord’; Olsen, ‘Courtyard Sites in Western Norway’.
\textsuperscript{33} Olsen, ‘Undersøkelse av et eldre jernalders tunanlegg på Sausjord’.
\textsuperscript{34} Bull, \textit{Leding}, p. 118.
\textsuperscript{35} Iversen, ‘Community and Society’.
Table 6.3. Reconstruction of the administrative ecclesiastical quarters in Sogn c. 1350 and population figures in 1769. The secular ship-districts c. 1160 are attributed to the quarters. The western parts of the shire (= Lavik and Utvær ship-districts) were in ecclesiastical terms part of Nordhordland.

<table>
<thead>
<tr>
<th>Main district (ecclesiastical)</th>
<th>Quarters c. 1350</th>
<th>Parishes c. 1350</th>
<th>Population 1769</th>
<th>Ship-districts c. 1160 (No. = 16)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sogn</td>
<td>Vik</td>
<td>8 or 9</td>
<td>3701</td>
<td>Klævoll</td>
</tr>
<tr>
<td></td>
<td>Aurland</td>
<td>8 or 9</td>
<td>2777</td>
<td>Kvamsøy</td>
</tr>
<tr>
<td></td>
<td>Tønjum</td>
<td>8</td>
<td>3061</td>
<td>Tjugum, (or part of Kvamsøy?)</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Vik (Arnefjord)</td>
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<td></td>
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<td></td>
<td></td>
<td>Fedjos (with Nærøy?)</td>
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<td></td>
<td></td>
<td></td>
<td>Aurland (Utland) (with Nærøy?)</td>
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<td>Norum</td>
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<td>Systrond</td>
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<td>Lærdal</td>
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<td></td>
<td>Árdal</td>
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<td></td>
<td></td>
<td>Dalc (Luster) (with Jostedalen)</td>
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<tr>
<td></td>
<td>Stedje</td>
<td>At least 6</td>
<td>3070</td>
<td>Sogndal</td>
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<td></td>
<td>Marifjøra</td>
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<td>Solvorn</td>
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<td>Lavik</td>
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<td></td>
<td></td>
<td>Utvær</td>
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</table>

houses — twelve — corresponds to the number of local thing units (= the secular units) in Voss and the Aurland quarter. Voss was divided into ‘eighths’ in the late Middle Ages which indicates eight minor thing-areas. By 1647 there were ten ‘eighths’ in the Voss district, and two of the original eighths had at some point been further divided. The earliest reference to their existence is in a legal document from 1387 naming one of the eighths (Gullarfjordung ‘attongi’). The Aurland quarter-area consisted of four ship-districts; in total, there have been twelve local communities in the two bordering societies that were separated by a mountain area important for iron production and grazing. In 1769 the Voss area had over twice the population compared to the area corresponding to the medieval Aurland quarter, 5858 against 2777. A site of this size close to the border may have served as a meeting place for the twelve involved communities.

Two of the other three sites are also located close to borders. Gjerland is situated close to the border of Sogn and Firda, which both belonged to the core
of the Gulathing area. At the site of Gjerland four houses, datable to the period AD 200–600, have been excavated. According to Asle Bruen Olsen there might have been four additional houses in the unexcavated areas close by, but this remains unproven. The site at Gjerland would have been suitable for meetings between people coming from Sogn and Firda. Each of these provinces had four quarters, adding up to eight units. The other interpretation is that Gjerland had the same function as Sausjord, a meeting place for two bordering quarters in different shires. There were four ship-districts in Vik quarter in Sogn and likewise in Brua quarter in Firda (Førde, Brandsøy, Vevring, and Bremanger) adding up to eight units (Table 6.3). Both interpretations are therefore possible.
The Hjelle site in Stryn is situated close to the border of Firda, Sunnmøre, and Gudbrandsdalen (Figures 6.6 and 6.8). The latter belonged to the ‘mountain land’ — the Eidsivathing-area. It has been suggested that Sunnmøre was newly integrated in the Gulathing-area before the eleventh century. The Hjelle site is also situated well as a meeting site for the quarters of Eid in Firda and Tønjum in Sogn. These quarters consisted of six (Eid quarter) and three (Tønjum quarter) ship-districts; nine units in total. Only three houses have been excavated at Hjelle. Based on the form and layout of the buildings, Asle Bruen Olsen has suggested that the site comprised eleven buildings. The location of Hjelle would have made it suitable for meetings of people crossing the mountains of Breheimen and Strynefjell between the quarters, and the size would befit a meeting place for the two quarters.

36 Olsen, ‘Courtyard Sites in Western Norway’, p. 45.
It may be of importance that the Hjelle site appears to have been abandoned around AD 880, according to several radiocarbon dates. It is possible that the site was abandoned because the coin embossed by the moneyer Eanwin under King Ethelred of Northumbria, AD 810–40, was found there.[38]

The last site, Bø in Stryn, is different from the other sites. It has a linear arrangement of eight houses and does not fit any known administrative units, so is therefore unlikely to be a true courtyard site. Moreover, the Eid quarter had six thing-units, while there are eight houses at the site, and it is not located central to its area. On these grounds, I doubt whether it was a courtyard site and have therefore disregarded it from further analyses.

38 Olsen, ‘Courtyard Sites in Western Norway’, p. 46.
Conclusion

Let us return to the questions set out above: What was the role of assemblies (things) in the (1) creation, (2) consolidation, and (3) maintenance of emergent polities and kingdoms in early medieval northern European populations and communities?

With regards to (1), what can be observed is a process of centralization during the first millennium. Prior to the seventh to ninth centuries, at least three courtyard sites existed in Sogn, Firda, and Voss, which gradually became obsolete. Each of these sites was located close to a regional border. During the ninth or tenth century, the three regions of Sogn, Firda, and Hordaland merged, and a new overarching law-thing was established at Guluathing at the point where the three regions met. It is probable that this process reflects an important
step in the establishment of superior jurisdiction, where an increasing number of communities were merged in order to establish larger societies. This also became the kernel of the Norwegian kingdom, but it is uncertain who the driving forces were: the communities, elites, or kings? The Voss area was integrated in the High Middle Ages, which fits well with the dating of the Sausjord site where there were still assemblies in the High Middle Ages. The site of Hjelle was abandoned in the late ninth century, and this may reflect the period when a larger law-area with an assembly site at Gulen was established. The people living in the quarters of Sogn and Firda could now resolve their legal disputes at the Gulathing, while disputes between people in Voss and Aurland quarter still had to be negotiated at Sausjord.

The question remains as to whether the regional variations in the timing of the abandonment of the courtyard site tradition — from Rogaland (eighth century) to Sogn and Firda (ninth century), Hålogaland (ninth century) to Trøndelag (tenth century) — reflect the pace of political consolidation culminating in a trans-regional kingdom during the Viking and medieval periods. This raises further questions about whether the kernel of an expanding kingdom was present in western Norway in the centuries preceding the age of Harald Fairhair (c. 850–930).

The large sites in Hålogaland remained in use until around AD 900. The site of Heggstad in Trøndelag shows evidence of continued use until AD 1000. The sites in Rogaland were previously dated to the period c. AD 100–600, but recent research has resulted in new information about the functioning periods of Klauhaugane (AD 200–700/800) and Øygarden (AD 100/150–600/700). This refined periodization suggests that the sites in Rogaland are linked more closely to political developments during the Merovingian period. Two of the four sites in Sogn and Firda were in use in the Viking period: Hjelle i Stryn, with a date-range of AD 650–900, and the more uncertain Bø site, also in Stryn, with a date-range of AD 600–900. Sausjord remained as a meeting place in the Viking Age, and possibly as late as the thirteenth century. The dating of Sausjord is based on twenty-one radiocarbon samples, including eight from cooking pits; two indicate activity in the Viking Age, and one is dated to AD 1280–1390. 39

Arguably, the role of the king in the initial phase was limited. In general terms, it is hard to believe that early medieval kings, supported by a small military force, were able to usurp power in a given area and establish enduring

power structures, including changing the thing-system. The naval defence system was by all practical means controlled by the thing, even though it was more strictly organized in the mid-tenth century. The thing also decided if it would endorse a king or not. The thing must, therefore, have played an important role in these processes from an early phase.

The thing represents a missing link explaining how communities were organized and grew into larger societies. The Gulathing law province was expanded from a minor nucleation of three shires in the tenth century to include the northern and southern coastal areas in the eleventh century, as I have demonstrated. During the twelfth and thirteenth centuries, the inland regions, including Voss, became part of the larger society. The major regional law-areas — Gulathing, Eidsivathing, Borgarthing, Frostathing, and Hålogaland — were created during the Viking and Middle Ages, and the courtyard sites went out of use.

The thing is a fundamental social institution that is under-investigated. Instead of examining the classic power structures that the king formed, it is important to investigate how society organizes itself. The thing decided on all areas of society and made laws. The classic way to look at governmental structures during the Middle Ages is that the king arrives, makes laws, and takes control. But real supra-regional royal power only comes later. I have examined how small communities grew together, without the assumption of strong royal power as the driving force. It is only in the last instance that the king ‘collects’ areas that have already grown together.

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