THE NORTHERN WORLD

The Incorporation and Integration of the King's Tributary Lands into the Norwegian Realm c. 1195-1397

By
Randi Bjørshol Wærdahl

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BRILL

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The Northern World

North Europe and the Baltic *c.* 400–1700 A.D.
Peoples, Economies and Cultures

VOLUME 53

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LEIDEN • BOSTON
2011

Front cover illustration: The letter M with the king handing over a law code to a man. Detail from manuscript GKS 1154 2°, the Hardenberg Codex, fol. 01v.: Norwegian laws 14.–16. century.
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This book is printed on acid-free paper.

Library of Congress Cataloging-in-Publication Data

Wardahl, Randi Bjorshol.
[Norges konges rike og hans skattland. English]
The incorporation and integration of the king's tributary lands into the Norwegian realm, c. 1195–1397 / by Randi Bjorshol Wardahl ; translated by Alan Crozier.
p. cm. — (The Northern world ; v. 53)
Includes bibliographical references and index.
ISBN 978-90-04-20613-7 (hardback : alk. paper) 1. Norway—Politics and government—1030-1397. 2. Norway—Kings and rulers. I. Title.
JN7421.W37 2011
949.1—dc22

2011008797

ISSN 1569-1462
ISBN 978 90 04 20613 7

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ACKNOWLEDGEMENTS

This book is a revised edition of my doctoral dissertation, *Norges konges rike og hans skattland. Kongemakt og statsutvikling i den norrøne verden i middelalderen*. It brings to a close my study of the integration of the Norse island communities into the Norwegian realm in the Middle Ages; a study that began with a MA-thesis and ended with the doctoral dissertation in 2006. I am grateful to the Norwegian University of Science and Technology for providing me with a doctoral scholarship and a workplace at the Department of History and Classical Studies.

For this edition I want to express my gratitude to the following individuals: Alan Crozier for doing an excellent job translating the manuscript; my doctoral supervisor Steinar Imsen for his continual academic guidance and encouragement and for suggesting GKS 1154 for the cover illustration; my opponents Barbara Crawford and Jón Viðar Sigurðsson for valuable comments and suggestions, and for their assistance with terminology, genealogies, maps, and other details in the final phase; Helgi Þorlákssson for his careful reading of the original, Norwegian manuscript and his comments and advice on the Icelandic sections; Philadelphia Ricketts for her meticulous proof reading and valuable advice on style and technicalities, and Marcella Mulder at Brill for her guidance and support.

I am also grateful to considerate colleagues and students for their continual support.

The Norwegian Research Council and the Norwegian University of Science and Technology kindly provided funds for the translation.

I'm grateful to the the Royal Library, Copenhagen for permitting me to use the illumination in GKS 1154 as a cover illustration.

Thanks to Arild, family and friends.

Randi Bjørshol Wærdahl
Trondheim, January 2011

NOTES ON THE USE OF NAMES

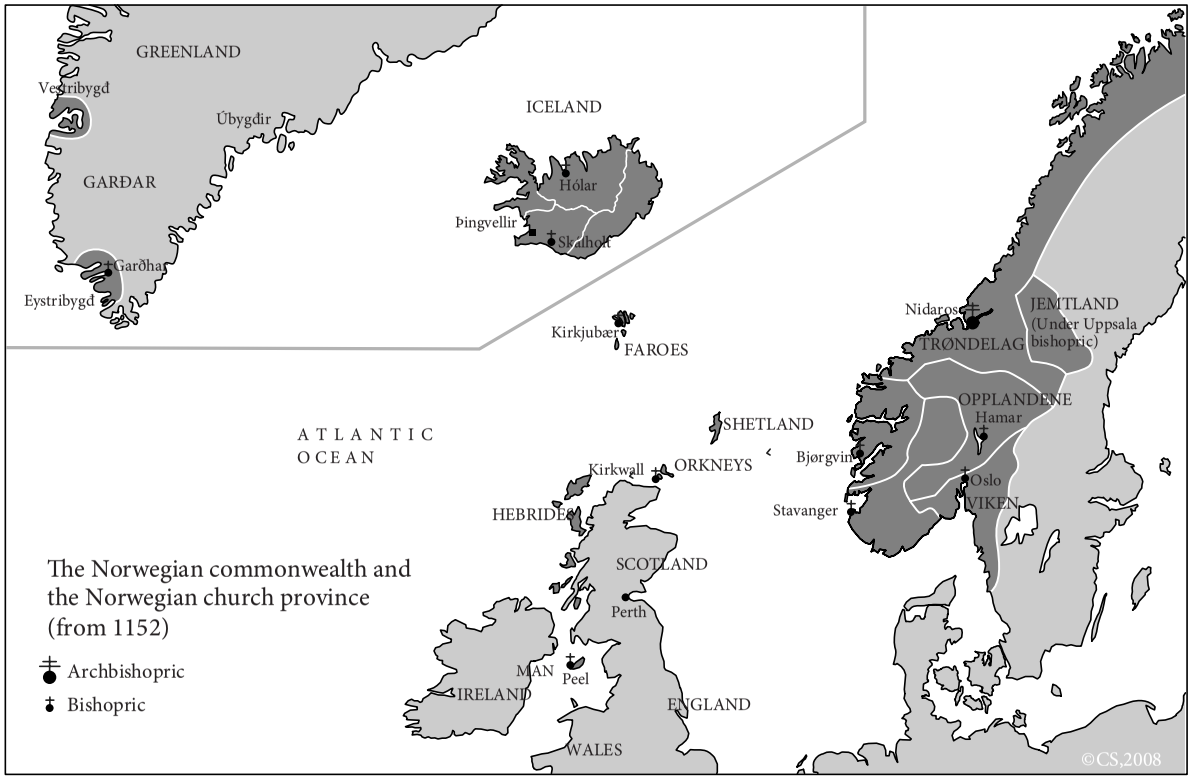
Norwegian, Orcadian, Shetland, Hebridean, Manx, and Faroese personal names are rendered in modern Norwegian and English. Icelandic personal names are rendered in their Old Norse form, nominative case. Old Icelandic nicknames are rendered in Old Norse, uncapitalized and not italicized following Icelandic practice, while Norwegian nicknames are rendered in their modern form and capitalized following Norwegian tradition. Nicknames of Norwegian kings are translated to English. Place names, if they still exist today, are rendered in modern Norwegian, Icelandic, Faroese, and English versions. Translations of citations from primary and secondary sources are by the translator and author unless otherwise stated. Quotations are rendered in their original form.

ABBREVIATIONS

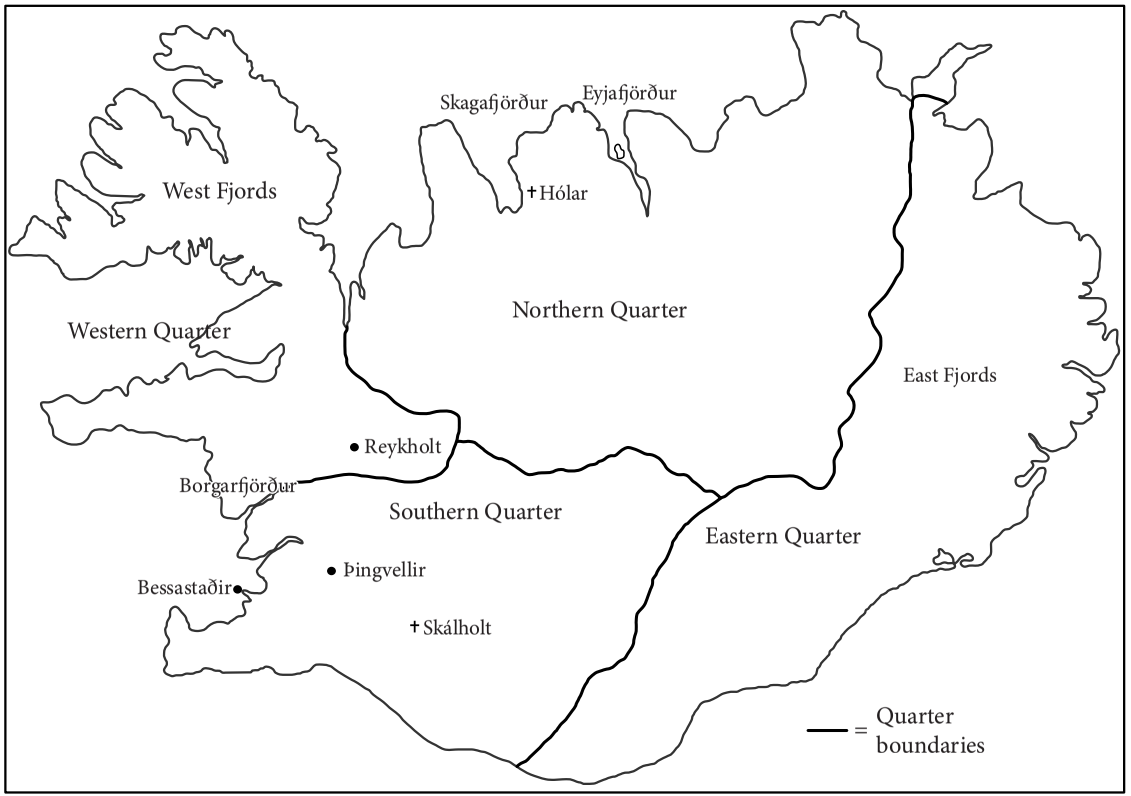
Full bibliographical references to the works mentioned in the list below are given in the bibliography at the end of this book.

AB	*Adam of Bremen. History of the Archbishops of Hamburg-Bremen*
AR	*Registrum Episcopatus Aberdonensis/Aberdeen Records*
Asb	*Árna saga biskups*
Bs	*Bǫglunga sǫgur*
CM	*Collegium Medievale*
DF	*Diplomatarium Færoense*
DI	*Diplomatarium Islandicum*
DN	*Diplomatarium Norvegicum*
DOH	*Diplomatarium Orcadense et Hialtlandense*
Grg	*Grágás*
H	*Hirðskrá*
Hkr	*Heimskringla*
HN	*Historia Norwegie*
HsH	*Hákonar saga Hákonarsonar*
HsH 1979	*Håkon Håkonssons saga* (Norw. transl. *Hákonar saga Hákonarsonar*)
HT	*Historisk tidsskrift* (Norw. historical review)
IA	*Islandske Annaler indtil 1578*
ÍÁ	*Íslenzkar ártíðaskrár*
Ísl	*Íslendinga saga*
ÍÆ	*Íslenzkar æviskrár*
Jb	*Jónsbók*
Jb 1970	*Jónsbók* (1970 edition)
Js	*Járnsíða*
KLNM	*Kulturhistorisk leksikon for nordisk middelalder*
Lsb	*Laurentius saga biskups*
ML	King Magnus the Lawmender Håkonsson's national law (the *Landlaw*)
MLs	*Magnúss saga lagabætiss*
ND	*Norske diplomer til og med år 1300*
NFH	P. A. Munch's *Det Norske Folks Historie*
NgL	*Norges gamle Love*

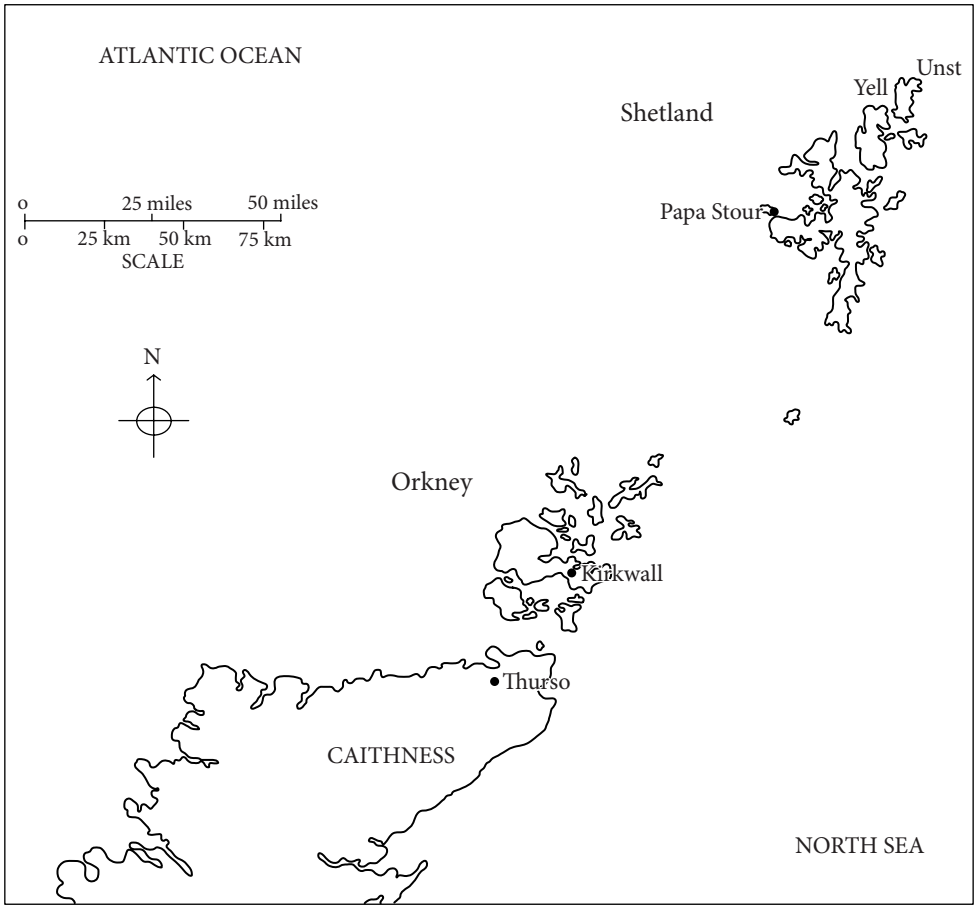
NgL 2.r	*Norges gamle Love. Anden Række 1388–1604*
NMD	*Norske middelalderdokumenter*
NBL	*Norsk Biografisk Leksikon* (1923–83 edition)
ON	Old Norse
Os	*Orkneyinga saga*
REO	*Records of the Earldom of Orkney*
RN	*Regesta Norvegica*
Sb	*Seyðabrævið*
SD	*Shetland Documents*
SHR	*Scottish Historical Review*
SJH	*Scandinavian Journal of History*
Sts	*Sturlunga saga*
Svs	*Sverris saga*
Svs 1979	*Sverres saga* (Norw. transl. *Sverris saga*)
Þk	*Þórðar saga kakala*
Þsk	*Þorgils saga skarða*



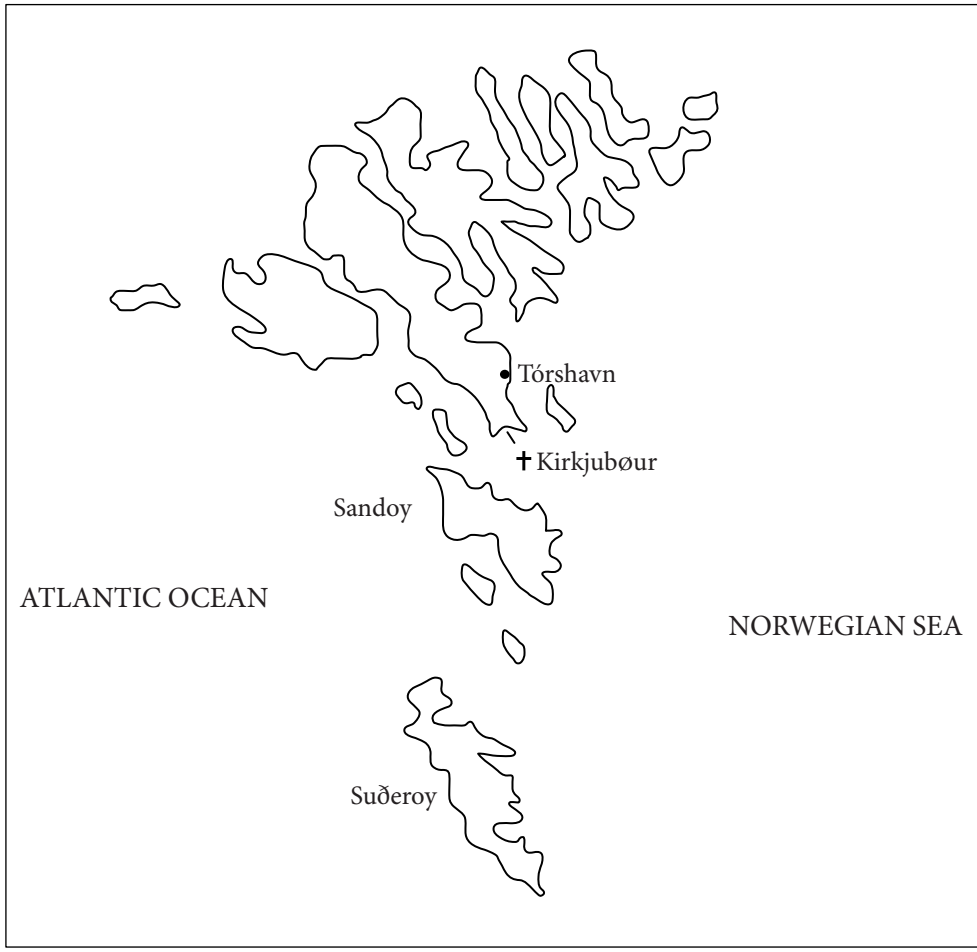
Map 1 The Norwegian realm and the Norwegian church province (from 1152)



Map 2 Iceland



Map 3 Orkney, Shetland, and Caithness



Map 4 The Faroes

INTRODUCTION

> For it was unseemly, he said, that the land did not serve a king, as all other lands in the world.[1]

Theme

The game of power politics in which Norwegian kings and claimants to the throne competed to unite Norway under the rule of one king was a process that began in earnest in the 1130s and did not end until 1241. The power struggles created a need for new administrative and fiscal instruments, and from the end of the twelfth century the king began to build up a nationwide, centralized apparatus to deal with the collection of taxes and fines and the administration of justice. The political consolidation and the incipient state-formation process also had consequences for areas bordering on Norway, and areas which had strong cultural and historical ties to Norway and the Norwegian crown. The Norwegian king sent tax collectors to the large areas shared by Norway, Sweden, and Russia in the far north in the fourteenth century. Jemtland, today a Swedish county bordering on central Norway, was integrated in the kingdom of Norway from the end of the thirteenth century. The consolidation also had consequences for the Norse[2] island communities in the North Atlantic, along the coast of Scotland, and in the Irish Sea. While Man and the Hebrides were ceded to the king of Scotland in 1266, the rest of the "tributary lands"—Greenland, Iceland,

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[1] According to *Hákonar saga Hákonarsonar* these were Cardinal Vilhelm of Sabina's words about Iceland when he was in Bergen to crown King Håkon Håkonsson in 1247. Old Norse orig.: "þuiat hann kallaði vsannlikt at land þat þionaði ecki vndir eínn-huern konung sem ôll ônnur i veröllдínní". *Hákonar saga Hákonarsonar etter Sth. 8 fol., AM 325 VIII, 4° og AM 304, 4°* (*HsH*), ed. by M. Mundt, Norrøne tekster 2, Oslo 1977, p. 144.

[2] In this book Norse (ON *norrænn*) should be understood as Norwegian or West Nordic referring to Norway and areas and communities in the Viking Age and the Middle Ages where the inhabitants were descendants of Viking emigrants and shared a common Norse cultural heritage and language (Old Norse); the Norse world. See Steinar Imsen, "Introduction", in S. Imsen (ed.) *The Norwegian Domination and the Norse World c. 1100–1400*, 'Norgesveldet', Occasional Papers No. 1, Trondheim 2010, pp. 13–33, on the usage of 'Norse', 'Norse world', 'Norwegian', 'Scandinavian', 'Nordic' etc. in historical research.

the Faroes, Shetland, and Orkney—became integral areas, in political, judicial, and administrative terms, in the realm of the Norwegian king at the end of the thirteenth century.[3]

The integration of formerly autonomous or semi-autonomous areas into larger political units is a characteristic feature of political development in north-west Europe in the High Middle Ages.[4] In national traditions of historical research this process tends to be depicted as self-explanatory, natural, and inevitable, but although it is often described, it is rarely analysed.[5] Historians tend to see the integration of the border zones and the Norse island communities as being directly associated with the emergence of a Norwegian medieval state in the thirteenth century, without looking more closely at how the areas were integrated and the consequences this integration had for the formerly autonomous or semi-autonomous areas.[6] In this book we shall see that the Norwegian crown used the same tools in the integration of Iceland, the Faroes, Shetland, and Orkney as were used for the consolidation of Norway. Although there was scope for continuity, centralization and outside rule led to major upheavals in the Norse island communities, not just in the thirteenth century, when the king's

[3] Medieval Norway consisted of present-day Norway as far north as Troms County and as far south as Bohuslän in present-day Sweden. The areas in the north, including Finnmark, the northernmost county in present-day Norway, were not integrated into any state organization in the Middle Ages. There were no fixed borders before the seventeenth or eighteenth century in this area. See Magne Njåstad, *Grenser for makt: Konflikter og konfliktløsning mellom lokalsamfunn og øvrighet ca. 1300–1540*, doctoral dissertation in history, Skriftserie fra Institutt for historie og klassiske fag 42, NTNU, Trondheim 2003, pp. 207–208; Lars Ivar Hansen "Fra Nöteborgsfreden til Lappecodicillen, ca. 1300–1751: Folkegrupper og statsdannelse på Nordkalotten med utgangspunkt i Finnmark", in S. Imsen (ed.), *Grenser og grannelag i Nordens historie*, Oslo 2005, pp. 362–86.

[4] Philippe Wolff (ed.), *Histoire du Languedoc*, Toulouse 1967; Niels Skyum-Nielsen, "Estonia under Danish Rule", in N. Skyum-Nielsen and N. Lund (eds.), *Danish Medieval History: New Currents*, Copenhagen 1981, pp. 112–35; Rees R. Davies, *Conquest, Coexistence and Change: Wales 1063–1415*, Oxford 1987; James Given, *State and Society in Medieval Europe: Gwynedd and Languedoc under Outside Rule*, Ithaca and New York 1990; Marta VanLandingham, *Transforming the State: King, Court and Political Culture in the Realms of Aragon (1213–1387)*, The Medieval Mediterranean 43, Leiden 2002.

[5] Given 1990, pp. 8–9.

[6] E.g. Barbara E. Crawford, *The Earls of Orkney-Caithness and Their Relations with Norway and Scotland: 1158–1470*, unpublished doctoral dissertation in history, St. Andrews 1971, p. 144; Steinar Imsen, "Earldom and Kingdom: Orkney in the Realm of Norway 1195–1379", *Historisk Tidsskrift* (*HT*) 79, 2000, p. 163.

instruments of government were established, but also in the shadow of national political development in the fourteenth century. Although the fate of the Norse island communities was part of a general European evolution, it has not been regarded in that light. We shall see that the integration of the Norse island communities into the political and administrative system of the Norwegian kingdom is comparable to similar processes in Western Europe.

The Norwegian medieval state

In the course of the High Middle Ages a number of political units and organizations—of differing size and duration—developed features that today we associate with states. Medieval states, however, were not stable units. They were products of a process whereby the internal structure and function of the states was in constant change. "State formation" is therefore a more adequate term than "state" for the situation in which the Norwegian kingdom found itself in the High Middle Ages[7] and for the process that we shall now consider more closely. Research on the Norwegian state-formation process in the High Middle Ages has in many ways been a debate about who benefited from the state formation and what type of state it was. Despite this, Norwegian historians just as often proceeded from international research findings in their studies. This applies both to the perception of the content of the state-formation process and to its consequences for society.[8]

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[7] In this book the Middle Ages are divided into the following periods in accordance with the prevailing practice in Norwegian medieval research; the Early Middle Ages *c.* 800–1130, the High Middle Ages *c.* 1130–1350, and the Late Middle Ages *c.* 1350–1537, "Viking Age" refers to the period from the first Viking raids in the British Isles *c.* 800 to the fall of the Norwegian King Harald Sigurdsson in the battle of Stamford Bridge in 1066.

[8] See e.g., Charles Tilly, *Coercion, Capital and European States, AD 990–1990*, Oxford 1990, p. 5; Harald Gustafsson, *Gamla riken, nya stater*, Stockholm 2000, p. 21. Alan Harding argues in *Medieval Law and the Foundations of the State*, Oxford 2002, ch. 1, that there was a concept of the state in the Middle Ages. Although it has been qualified somewhat in recent years, it is still Max Weber's definition of the power state, or modified versions of it, that is the foundation in both international and Norwegian medieval research. (E.g. Susan Reynolds, *Fiefs and Vassals*, Oxford 1994, p. 26; Susan Reynolds, *Kingdoms and Communities in Western Europe 900–1300*, Oxford 1997, pp. 323–24). However, the use of the concept of state in medieval research has been more controversial internationally, see Susan Reynolds "The Historiography of the Medieval State", M. Bentley (ed.), *Companion to Historiography*, Routledge 1997(b),

The Norwegian state-formation process started during the power struggles at the end of the twelfth century.[9] As elsewhere in Europe, succession disputes and wars between rival political factions were among the most important forces impelling territorial consolidation and state formation.[10] The power contests required the internal strengthening of royal power, and kings had to extract more resources. This led to more efficient administration and control of the territory of the realm, and to a vigorous growth of public organization and authority in Norway from the end of the twelfth century. This growth had the effect that the crown and the church were constantly bringing new areas under their controlling authority, and a nationwide, centralized political-administrative organization was established under the auspices of the king. The organization consisted of governing bodies at central level connected to the king's court, and royal officials acting in the king's interests locally. Another important feature of the process in Norway was that local and regional magnates who had previously enjoyed autonomy entered an alliance with the king or came under

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p. 117. Norwegian historians have also nuanced the definition of state and considered it in the light of legislation, among other things, but most of the elements that are supposed to characterize the state-formation process in Norway can still be found in Joseph R. Strayer's classic *On the Medieval Origins of the Modern State*, Princeton 1970. See Sverre Bagge, "Udsigt og innhogg: 150 års forskning om eldre norsk historie", *HT 75,* 1, 1996, pp. 65–69 for Norwegian research on state formation.

[9] On the characteristic features of the state-formation process in Norway, see Knut Helle, *Norge blir en stat 1130–1319*, Oslo 1974, pp. 27–28; Steinar Imsen, *Noregs nedgang*, Oslo 2002, pp. 58–60; Knut Helle, "The Norwegian Kingdom: Succession Disputes and Consolidation", in K. Helle (ed.), *Prehistory to 1520,* The Cambridge History of Scandinavia vol. 1, Cambridge 2003, pp. 369–91; Sverre Bagge, *From Viking Stronghold to Christian Kingdom. State formation in Norway, c. 900–1350*, Copenhagen 2010. On the significance of warfare and military power in studies of state development in Norway in the Middle Ages see Kåre Lunden, *Norge under Sverreæten 1177–1319*, Oslo 1987 [1976], pp. 137–38, 416–36; Kåre Lunden "Det norske kongedømet i høgmellomalderen", *Studier i historisk metode* 13, Oslo 1978, pp. 124–50; Sverre Bagge, "Borgerkrig og statsutvikling i Norge i middelalderen", *HT* 65, 2, 1986, pp. 145–97; Hans Jacob Orning, "Håkon Håkonsson, Skule Bårdsson og norsk statsdannelse i første halvdel av 1200–tallet", *HT* 1, 1997, pp. 2–19; Hans Jacob Orning, "Statsutvikling i Norge og på Island i høymiddelalderen belyst ut i fra en analyse av Þórðr kakali Sighvatssons og Sverre Sigurdssons vei til makten", *HT* 4 1997(b), pp. 469–86; Knut Dørum, *Romerike og riksintegreringen: Integreringen av Romerike i det norske rikskongedømmet i perioden ca. 1000–1350*, doctoral dissertation in history, Acta Humaniora vol. 183, Oslo 2004; Bagge 2010, pp. 40–65.

[10] See e.g. Samuel Finer, "State- and Nation-building in Europe: The Role of the Military", in C. Tilly (ed.), *The Formation of National States in Western Europe*, Princeton 1975, p. 95.

his control. As the crown increasingly gained control over society, one usually needed to engage in royal service to obtain positions of power. The aristocracy became more of a national aristocracy than it had been, and in Norway it even became a service aristocracy.

State formation in Norway, however, was not just a top-down process. Studies of the interaction of local communities with the central power show that the communities' own institutions were also driving forces in the development, and that to some extent they were built into the new state community.[11] The state-formation process also comprised the establishment of a common national law and the development of a system for the administration of justice under royal auspices.

It was generally considered that the Norwegian state-formation process was completed with the death of King Håkon V Magnusson (1299–1319) in 1319, and that the Norwegian medieval state was dissolved in the middle of the fourteenth century as a consequence of plague, agrarian crisis, and unions with neighbouring kingdoms.[12] The traditional view of the fate of the Norwegian medieval state in the fourteenth century is mainly due to the perception of national political developments after 1319. From 1319 to 1355 Norway shared a king with Sweden, and from 1380 to 1905 Norway was in union, first with Denmark until 1814 and then with Sweden until 1905. Recent research, however, paints a more nuanced picture of development in the fourteenth century, less focused on nation-building. Changes in the administrative apparatus are now characterized as a restructuring of the organization of the state for greater efficiency, not as dissolution. This reorganization is said to have started before the personal union with Sweden was established in 1319.[13]

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[11] See e.g. Steinar Imsen, *Norsk bondekommunalisme fra Magnus Lagabøte til Kristian Kvart. Middelalderen*, Trondheim 1990, pp. 38–39, 193–94; Dørum 2004, e.g. pp. 380–82.

[12] See Helle 1974, pp. 27–28; Lunden 1976, pp. 389–95; Imsen 2002, pp. 60–63. I render Norwegian, Orcadian, Shetland, Hebridean, Manx and Faroese personal names in modern Norwegian and English and Icelandic personal names in their Old Norse form. Place-names, if they still exist today, are rendered in modern Norwegian, Icelandic, Faroese, and English versions.

[13] Imsen 2002, pp. 62–76. Imsen sums up the most important arguments for a reorganization, not a dissolution, of the Norwegian state in the fourteenth century. Cf. Grethe A. Blom, *Norge i union på 1300-tallet*, Trondheim 1992, pp. 827–34.

Norway and the tributary lands in the perspective of national history

Knowledge of development in Nordic history and the strong nation-building tradition in some works on Norwegian history is essential for understanding the changed view of the fate of the Norwegian medieval state in the Late Middle Ages. The need of the modern nation state for historical legitimacy and the role of historians as producers of this legitimacy have influenced in various ways the view of the relationship between the tributary lands and the Norwegian crown among Icelandic, Faroese, Scottish, and Norwegian historians. Research is thus influenced by the historians' national or regional background, and the research topic is not the tributary lands as a group, but each tributary land's national or regional history.[14]

Even if there are conclusions about the consequences of state formation for the tributary lands, they rarely originate in studies focusing on the Norwegian state-formation process, but from inquiries with other aims. In modern historical research the relationship of the tributary lands to Norway and the Norwegian king has, almost without exception, been considered from a national historical perspective, with each land's relationship to the Norwegian crown being studied separately. Research on medieval state formation has traditionally proceeded from the boundaries of the modern nation state, and historians also tend to emphasize the strong continuity between the medieval states, the states in the early modern period, and today's European nation states. This is also characteristic of most of the research on the relationship of the tributary lands to Norway.[15] After having been affiliated

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[14] See Randi Bjørshol Wærdahl, "The Norwegian Realm and the Norse world: A Historiographical Approach", in S. Imsen (ed.) *The Norwegian Domination and the Norse World c. 1100–1400*, 'Norgesveldet', Occasional Papers No. 1, Trondheim 2010, pp. 35–57, on the influence of national history on research on the relationship between the Norwegian realm and the tributary lands.

[15] Susan Reynolds's "The Historiography of the Medieval State" (Reynolds 1997b) gives a fine summary of the use of the concept of state in medieval and international research about state formation in the Middle Ages. For a general introduction to nationalism and national history, see e.g. Sven-Eric Liedman, "Nationalismen 1871–1914", in Ingi Sigurðsson (ed.) *Internasjonale idéstrømninger og nordisk kultur 1850–1914*, Oslo 1996, pp. 3–16; George C. Iggers, "Changing Conceptions of National History Since the French Revolution", E. Lönnroth *et al.* (eds.), *Conceptions of National History*, Berlin 1994 [1990], pp. 132–50; Miroslav Hroch, "From National Movement to the Fully-formed Nation: The Nation-building Process in Europe", in G. Balakrishnan (ed.) *Mapping the Nation*, New York and London 1996, pp. 78–97; Miroslav Hroch, "Europeisk nasjonalhistorie", in Ø. Sørensen (ed.), *Jakten på det norske*, Oslo 2001, pp. 217–28.

first to the Norwegian king, then to the Danish-Norwegian crown for several centuries, the status of the former tributary lands today varies greatly. Man and the Hebrides, as we have seen, were given up in 1266, while Orkney and Shetland were pawned to the king of Scotland in 1468 and 1469. Greenland, Iceland, and the Faroes did not accompany Norway into the union with Sweden in 1814, remaining under Danish rule. Iceland achieved full independence as a state in 1944, whereas Greenland and the Faroes still belong to Denmark.

The conclusions drawn by the nineteenth-century national research tradition are still the most prevalent views among Norwegian historians concerning the tributary lands and their relationship to the Norwegian crown. The first few generations of Norwegian historians perceived Håkon Håkonsson's reign (1217–1263) to be the golden age in Norwegian medieval history. The tributary lands are alleged to have been incorporated into the kingdom in the period *c*. 1195 to 1262, and in the spirit of nation-building the tributary lands became the very symbol of the age of greatness under King Håkon, when the kingdom of Norway was strong and expansive enough to establish overseas possessions.[16]

Despite this, the tributary lands—with a few exceptions—have been omitted from studies of the consolidation of the kingdom of Norway and the Norwegian state-formation process.[17] Pioneering Norwegian

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[16] P. A. Munch, *Det norske Folks Historie* (*NFH*) III, Christiania 1857, sections 129, 130, 133–35, 148–51; IV, 1, Christiania 1858, sections 6, 22–42, 50, 58, 59; IV, 2, Christiania 1859, sections 69, 72, 77, 85, 93, 106; *Unionsperioden*, 1, Christiania 1862, sections 30, 35, 53, 55–56, 75, and *Unionsperioden*, 2, Christiania 1863, sections 5, 9, 19, 25; *Historisk-geographisk Beskrivelse over Kongeriket Norge (Norgesveldi) i Middelalderen*, Moss 1849, and *Samlede Afhandlinger*, Christiania, 1873–76. Nineteenth-century imperialism and modern colonial history have also made their mark on research and on the perception of what a tributary land (Old Norse *skattland*) really was: terms such as 'dependency' (Norw. *lydrike* or *biland*) and 'colony' (Norw. *koloni*), are sometimes applied to the tributary lands, as if Norway was a modern Atlantic colonial power in the Middle Ages. See e.g. Grethe A. Blom's definition of 'skattland' in *Kulturhistorisk leksikon for nordisk middelalder* (*KLNM*) XV, 1970, cols. 446–50. See also Ottar Dahl, *Norsk historieforskning i 19. og 20. århundre* 1990 [1959]; Sverre Bagge, "Nationalism in Norway in the Middle Ages", *Scandinavian Journal of History* (*SJH*) 20, 1995, pp. 1, 3; Bagge 1996; Knut Kjeldstadli, "History as Science", in W. H. Hubbard *et al.* (eds.) *Making a Historical Culture: Historiography in Norway*, Oslo 1995, pp. 52–81; Odd Arvid Storsveen, "Evig gammel. Henrik Wergeland, P. A. Munch og historiens nasjonale funksjon", in Ø. Sørensen (ed.) *Jakten på det norske*, Oslo 2001, pp. 229–47, for introductions to, and analysis of, Munch's political project and the first generations of Norwegian historians.

[17] For a survey of research on medieval Norway, see Bagge, "The Middle Ages", in W. H. Hubbard *et al.* (eds.), *Making a Historical Culture: Historiography in Norway*, Oslo 1995(b), pp. 111–31. Norwegian research on state development in the High

historian Peter Andreas Munch's ambition to include the tributary lands in his national history of Norway, *Det norske Folks Historie* (The History of the Norwegian People), written 1852–63, is unique, and few of his successors have followed his example.[18] Works on this topic are usually confined to present-day Norway, with the result that the Norwegian medieval state appears like a Norwegian nation state, with today's borders, while the tributary lands are regarded as "overseas possessions" or "dependencies" with their own national histories, and without any great relevance for the national Norwegian narrative.

Another characteristic feature of both nineteenth-century and even more recent Norwegian research is the lack of interest in the tributary lands after the 1260s. Late medieval Orkney, Shetland, Faeroe, and Iceland are almost excluded from Norwegian historiography.

Hypotheses with an evolutionary approach to the rise of a Norwegian national medieval state in the High Middle Ages and its decline in the Late Middle Ages still influence accounts of medieval history by Norwegian and foreign historians.[19] Over the last decades, however, Norwegian historians have rediscovered the tributary lands and studied them without the national perspective of previous generations.[20]

Middle Ages is discussed in Dahl 1990; Bagge 1996, pp. 65–69; Imsen 2002, pp. 58–76.

[18] Alexander Bugge (1870–1929) gave some attention to the Norse lands overseas and their relationship to the Norwegian kingdom in his account of the history of Norway 1066–1319 in *Norges Historie*, vol. II, 1, pp. 330–37, Kristiania 1915. Cf. Alexander Bugge, *Den norske sjøfarts historie* vol. 1, Kristiania 1923, pp. 169–203.

[19] Edward H. Cowan's article on the conflict between Håkon Håkonsson and Alexander III of Scotland in 1263 is entitled "Norwegian Sunset—Scottish Dawn: Hakon IV and Alexander III". (In N. H. Reid (ed.), *Scotland in the Reign of Alexander III 1249–1286*, Edinburgh 1990, pp. 103–31). Icelanders still divide medieval history into 'Þjóðveldi' (the Icelandic Commonwealth, until 1262–64 or 1320), 'Norska öldin' (the Norwegian Age, 1320–1400), and 'Enska öldin' (the English Age, 1400–1520). See e.g. Björn Þorsteinsson, *Íslenzka þjóðveldið* (Reykjavík 1953), and *Enska öldin í sögu Íslendinga* (Reykjavík 1970); Gunnar Karlsson, *Iceland's 1100 Years: The History of a Marginal Society*, London 2000, p. 79.

[20] E.g. Arne Odd Johnsen, *Betalte Suderøyene og Man skatt eller lensavgift til Norges konge (1153–1263)?*, Oslo 1966 (English version, "The Payments from the Hebrides and the Isle of Man to the Crown of Norway: Annual Ferme or Feudal Casualty?", *Scottish Historical Review* (*SHR*) vol. 48, no. 145, part 1, 1969, pp. 18–34); Per Sveaas Andersen, *Vikings of the West: The Expansion of Norway in the Early Middle Ages*, Oslo 1971; Per Sveaas Andersen, *Samlingen av Norge og kristningen av landet 800–1130*, Oslo 1977; Per Sveaas Andersen, "Den norske innvandringen til og bosetningen i Skottland i vikingtiden og middelalderen; Nyere synspunkter i britisk forskning", *HT* 65 1986, pp. 420–28; Per Sveaas Andersen, "When Was Regular, Annual Taxation Introduced in the Norse Islands of Britain? A Comparative Study of Assessment Systems in North-Western Europe", *SJH* 16, 1991, pp. 73–83; Per Sveaas Andersen,

The tributary lands have also, to some extent, been drawn into the study of Norwegian state formation in the High Middle Ages.[21]

For generations Icelandic historians chose to focus on one aspect of the relations between Iceland and Norwegian royal power, namely, how King Håkon Håkonsson and his son King Magnus Håkonsson (1263–1280) succeeded in subjecting Iceland to the Norwegian crown in 1262–64. In Iceland, a national historiography was initiated and driven by political forces and national needs comparable to those in Norway. Icelandic historians also emphasized an age of bygone greatness in order to give historical legitimacy to the modern Icelandic nation state. In what we may call traditional Icelandic historical research, the whole long period from 1262 to 1944 was regarded as a negation of the *þjóðveldi* (the Commonwealth or Free State in Icelandic historiography), from 800 to 1262. According to this tradition, an independent Icelandic state came to an end when Iceland submitted to the Norwegian crown, followed by almost 700 years under Norwegian and Danish rule.[22]

"Den norske innvandringen til Hebridene i vikingtiden og den norrøne bosetningens senere skjebne", *HT* 73, 1994, pp. 265–85; Per Sveaas Andersen "Nordisk innvandring, bosetning og samfunnsdannese på Isle of Man i middelalderen", *Collegium Medievale* (*CM*) 8, 1, 1996, pp. 5–50.

[21] Knut Helle, *Konge og gode menn*, Oslo 1972; Grethe A. Blom, *Magnus Eriksson og Island: Til belysning av periferi og centrum i nordisk 1300–talls historie*, Trondheim 1983; Steinar Imsen, "Bygdesamvirket som rikspolitisk utsiktspunkt: Kommunalt liv i Norgesveldet mot slutten av gammelnorsk tid", *Heimen*, 3 1988, pp. 121–41; Imsen 1990; Steinar Imsen, "Public Life in Shetland and Orkney *c.* 1300–1550", *New Orkney Antiquarian Journal*, 1 1999, pp. 53–65 (also printed in *Norsk bondekommunalisme fra Magnus Lagabøtes tid til Kristian Kvart. Del 2 Lydriketiden*, Trondheim 1994). See also Narve Bjørgo, "800–1536: Makt—og avmakt", in N. Bjørgo, Ø. Rian, and A. Kaartvedt, *Selvstendighet og union*, Oslo 1995, pp. 19–132; Hans Jacob Orning, *Unpredictability and Presence. Norwegian Kingship in the High Middle Ages*, The Northern World vol. 38, Leiden 2008; Orning 1997b; Randi Bjørshol Wærdahl, *Skattland og kongemakt 1262–1350*, unpublished degree thesis in history, Trondheim 1998; Randi Bjørshol Wærdahl, "For å oppnå kongens gunst", *Rapporter til det 26. nordiske historikermøte i Reykjavík 2007*, Reykjavík 2007, pp. 35–57 (an English version, "Friends or patrons? Powerful go-betweens in the Norwegian realm in the High Middle Ages", will be published in Jón Viðar Sigurðsson and Thomas Småberg (eds.), *Friendship in the Nordic countires c. 900–1800*). See also Knut Helle, "Thorvald Thoresson and the Political and Administrative Circumstances in Norway in 1299", *CM* 15, 2002, pp. 45–58; Steinar Imsen, "Tingwall and Local Community Power in Shetland during the Reign of Håkon Magnusson, Duke and King", *CM* 15, 2002(b), pp. 59–79. See also Kåre Lunden, "Syslemannen Torvald Toresson mot husfrue Bjørg i Kollavåg i 1307", *CM* 16, 2003, pp. 303–15.

[22] Ingi Sigurðsson, *Íslenzk sagnfræði frá miðri 19. öld til miðrar 20. aldar*, Reykjavík 1986, p. 120. See also Ingi Sigurðsson, "The Influence of International Ideological

Over the past decades, less attention has been paid to Iceland's constitutional status in relation to Norway in the High Middle Ages, with historians mainly working on internal political developments, e.g. the local chieftains' power struggles, prior to the submission of 1262–64. Still, the nation-building motif has continued to leave its mark even after independence from Denmark was obtained in 1944, and the nineteenth-century interpretation of medieval Iceland continues to feature in general accounts of Icelandic history from the 1950s and -60s onwards.[23]

With few exceptions historians working on Icelandic political history still prefer to study the period prior to or including the submission of 1262–64.[24] However, recently some works have been published on Iceland and Icelanders' relations to Norwegian royal power after 1262–64.[25]

The former Norse territories in the Irish Sea and along the Scottish coast have long since become parts of Irish and Scottish history, and as such have been included in modern Irish, Scottish and British historiography as well, though Orkney and Shetland seem not to be perceived as integral parts of Scotland until the second half of the sixteenth century.[26]

Like their Norwegian colleagues, Scottish historians have traditionally focused on the kingdom's expansion and territorial consolidation

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Currents in Iceland 1850–1914", in Ingi Sigurðsson (ed.), *Internasjonale idéstrømninger og nordisk kultur 150–1914*, Oslo 1996, pp. 74–88. This perception of early Icelandic historical research is also shared by Jón Viðar Sigurðsson in "Allir sem sjá líta þó ekki jafnt á: Sagaritun um íslenskar miðaldir fram um 1300", and Helgi Þorláksson, "Sagnfræði um Íslandssögu á tímabilinu 1300–1550", both articles in *Saga* XXXVIII, 2000, pp. 33–57, 59–81.

[23] See Ólafur Lárusson, *Lov og ting*, transl. by K. Helle, Bergen and Oslo 1960, pp. 74–75; Sigurður Líndal, "Islandsk utenrikspolitikk i det 13. århundre og bakgrunnen for overenskomsten 1262–1264", *Jussens venner* 4, Oslo 1969, pp. 289–334; Helgi Þorláksson, "Stéttakúgun eða samfylking bænda? Um söguskoðun Björns Þorsteinssonar", *Saga og kirkja. Afmælisrit Magnúsar Már Lárussonar*, Reykjavík 1988, pp. 187–88, and Helgi Þorláksson 2000, pp. 68–71.

[24] Jón Viðar Sigurðsson, *Chieftains and Power in the Icelandic Commonwealth*, Odense 1999; Orning 2008; and Patricia P. Boulhosa, *Icelanders and the Kings of Norway*, The Northern World vol. 17, Leiden 2005.

[25] Blom 1983; Jón Viðar Sigurðsson, "The Icelandic Aristocracy after the Fall of the Free State", *SJH* 20, 3, 1995, pp. 153–66; Axel Kristinsson, "Embættismenn konungs fyrir 1400", *Saga* XXXVI, 1998, pp. 113–52.

[26] Steinar Imsen, "The Scottish-Norwegian Border in the Middle Ages", in A. Woolf (ed.), *Scandinavian Scotland—Twenty Years After. The Proceedings of a Day Conference held on 19 February 2007*, St. Andrews 2009, p. 22.

in the Early and High Middle Ages, and especially its relationship with England. Scottish historians have paid less attention to developments in the realm's periphery, and, in general, the Norse element has played a limited part in Scottish medieval research and popular presentation of Scottish history.[27] However, a shift in interest can be observed from the 1980s and -90s. Consequently, the Norse territories and their relation to the Norwegian kingdom receive considerable more attention in recently published presentations of Scottish medieval history.[28]

Most studies of the Norse element in Scottish historiography are regional in scope; in addition, they often focus on the Early Middle Ages, as do the majority of works on Norse heritage in Britain.[29] As for the High Middle Ages, there are studies of relations between the Scottish and Norwegian crowns, i.e., events leading up to or following the clash between King Håkon Håkonsson and King Alexander III (1249–1286) over Man and the Hebrides in 1263.[30]

In contrast to the traditional approach to Scottish history, local and regional historical interest in Norse heritage flourished, particularly in Orkney and Shetland. The beginning of the twentieth century saw an increasing interest in the area's history when representatives of the islands' cultural elite began to publish collections of historical records, books and articles.[31] The regional perspective is still very

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[27] E.g. Archibald A. M. Duncan, *Scotland. The Making of the Kingdom*, Edinburgh 1975. See e.g. R. Andrew McDonald, *The Kingdom of the Isles. Scotland's Western Seaboard, c. 1100–c. 1336*, East Linton 1997, pp. 8–9; Terry Brotherstone and David Ditchburn, "1320 and A'That: The Declaration of Arbroath and the Remaking of Scottish History", pp. 10–31, Richard D. Oram, "Gold into Lead? The State of Early Medieval Scottish History", pp. 32–43 and Steve Broadman and Michael Lynch, "The State of Late Medieval and Early Modern Scottish History", pp. 44–59, all in T. Brotherstone and D. Ditchburn (eds.), *Freedom and Authority. Historiographical Essays presented to Grant G. Simpson*, East Linton 2000; Robin Frame, *The Political Development of the British Isles 1100–1400*, Oxford 1995.

[28] Alex Woolf, *From Pictland to Alba 789–1070*, Edinburgh 2007, is a good example.

[29] Crawford 1971; Barbara E. Crawford, *Scandinavian Scotland: Scotland in the Early Middle Ages* 2, Leicester 1987; Rosemary Power, "Magnus Barelegs' Expeditions to the West", *SHR* 65, 180, 2, 1986, pp. 107–32; Beverley Ballin Smith *et al.* (eds.), *West Over Sea: Studies in Scandinavian Sea-borne Expansion and Settlement before 1300: A Festschrift in Honour of Dr Barbara E. Crawford*, The Northern World vol. 31, Leiden 2007; Alex Woolf (ed.), *Scandinavian Scotland—Twenty Years After. The Proceedings of a Day Conference held on 19 February 2007*, St. Andrews 2009.

[30] Richard I. Lustig, "The Treaty of Perth: A Re-examination", *SHR* 58, 165, 1, 1979, pp. 35–57; Cowan 1990.

[31] See source collections like J. Storer Clouston (ed.), *Records of the Earldom of Orkney 1299–1614*, Edinburgh 1914, and Alfred W. and Amy Johnston (eds.), *Diplomatarium Orcadense et Hialtlandense*, vol. I, London 1913. The interest in Norse

much alive in these parts, and local historians have in recent decades been joined by scholars from the Scottish universities.[32] Concerning political developments, Barbara E. Crawford's doctoral dissertation on the earls of Orkney and their relationship to the Norwegian and Scottish kings, represents a turning point in modern research on the history of Orkney and Shetland.[33]

Ever since the nineteenth century, there has been close contact between Norwegian historians and local historians of Orkney and Shetland. As a consequence of the renewed interest in the history of the Northern Isles amongst Norwegian historians over the last decades, new ties have been made between Norwegian and Scottish historians.[34] Since then Norwegian historians have made valuable contributions to the understanding of Orkney and Shetland history, and vice versa.[35]

Peter Andreas Munch was dedicated to the medieval history of the Norse island communities in general. For instance, he saw to the

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heritage is especially expressed in J. S. Clouston's and A. W. Johnston's introductions to these works. Clouston publications also include "The Goodmen and Hirdmen of Orkney", *Proceedings of the Orkney Antiquarian Society*, vol. III, Kirkwall, 1924, pp. 9–19, "Two Features of the Orkney Earldom", *SHR* 16, 61, 1918, pp. 15–28, and *A History of Orkney*, Kirkwall 1932. See also Sebastian Seibert, *Reception and Construction of the Norse Past in Orkney*, Frankfurt am Main 2006.

[32] William L. P. Thomson's *The New History of Orkney*, Edinburgh 2001 and Seibert 2006 provide up-to-date accounts of both Orkney history and the scholars who have explored it, while Brian Smith's publications on Shetland provide an overview of historical research and historiography, in "Shetland, Scandinavia, Scotland, 1300–1700: The Changing Nature of Contact", in G. G. Simpson (ed.) *Scotland and Scandinavia*, Edinburgh 1990, pp. 25–37; *Shetland Documents 1195–1579*, Lerwick 1999 (ed. with John Ballantyne); and *Toons and Tenants: Settlement and Society in Shetland, 1299–1899*, Lerwick 2000. See also William P. L. Thomson, "Ouncelands and Pennylands in the West Highlands and Islands", *Northern Scotland* 22, pp. 27–44.

[33] Crawford 1971. By Barbara E. Crawford, e.g., "Weland of Stiklaw: A Scottish Royal Servant at the Norwegian Court", in *HT* 52, 1973, pp. 329–39; "Papa Stour: Survival, Continuity and Change in One Shetland Island", in A. Fenton *et al.* (eds.), *The Northern and Western Isles in the Viking World. Survival, Continuity and Change*, Edinburgh 1984, pp. 40–58, and "Thorvald Thoresson, Duke Håkon and Shetland", in *Kongsmenn og krossmenn. Festskrift til Grethe A. Blom*, Trondheim 1992, pp. 69–89.

[34] P. A. Munch travelled in the area in 1849. (Sverre Steen, "Peter Andreas Munch", in *Norsk Biografisk Leksikon* (*NBL*) IX, 1940, p. 449; Seibert 2006, p. 105). See J. S. Clouston's expression of gratitude to Edvard Bull in "Preface", *Records of the Earldom of Orkney 1299–1614*, Edinburgh 1914, p. vii; Smith 2000, p. xiii on Steinar Imsen's interest in Shetland and Orkney history and Norwegian-Scottish contacts.

[35] E.g. Andersen 1971, 1977, 1986, 1991, 1994, 1996; Barbara E. Crawford (ed.), *Northern Isles Connections: Essays from Orkney & Shetland Presented to Per Sveaas Andersen*, Kirkwall 1995; Imsen 1988 and 1999.

publishing of *The Chronicle of Man and the Sudreys*.[36] The historic Norse element in Ireland and on the Scottish mainland is relatively well-documented in recent Irish and Scottish research. However, the focus has been on the Early and High Middle Ages.[37] The bulk of research is on the relationship between Norwegian and Scottish royal power in the thirteenth century, and Manx relations to Norway prior to 1266.[38]

There is also a research tradition that focuses on Man and the Hebrides' status as an independent or semi-independent political entity in the High and Late Middle Ages, the so-called "Kingdom of the Isles". Andrew McDonald's works on the inner political developments of the Manx-Hebridean kingdom *c.* 1100–1336 show the importance of acknowledging and studying lost political entities, and that focusing on the relations between Norway and Scotland alone is too narrow.[39]

There are rather few studies of Greenland's and the Faroes' medieval history. Concerning Greenland this can be explained by the fact that there are few, if any, connections to its Norse past within modern Greenland society. Nevertheless Greenland's Norse past has gained more attention from historians than the Faroes' in the Middle Ages.[40]

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[36] *Chronica Regvm Manniæ et Insvlarvm. The Cronicle of Man and the Sudreys*, ed. and transl. by P. A. Munch, Christiania 1860. See also Gustav Storm, "Magnus Barfods Vesterhavstog", *HT* 7, 1882, Rekke III, pp. 1–20.

[37] On the Vikings' descendants, Dublin, and developments in the Irish Sea until *c.* 1100, see Crawford 1987; Andersen 1996, pp. 5–50; Seán Duffy, *Ireland in the Middle Ages*, Basingstoke 1997; Woolf 2009. Examples of studies on political development are McDonald 1997; Rosemary Power, "Meeting in Norway: Norse-Gaelic Relations in the Kingdom of Man and the Isles 1090–1270", *Saga-Book* XXIX, 2005, pp. 5–66; Clare Downham, "Living on the Edge: Scandinavian Dublin in the Twelfth Century", in B. B. Smith *et al.* (eds.), *West Over Sea: Studies in Scandinavian Seaborne Expansion and Settlement Before 1300: A Festschrift in Honour of Dr Barbara E. Crawford*, The Northern World vol. 31, Leiden 2007, pp. 33–52. Ian Beuermann discusses the Manx prince Gudrød Olavsson's journey to Norway in 1152/53 in *Man Amongst Kings and Bishops. What Was the Reason for Godred Olafsson's Journey to Norway in 1152/53?*, Senter for studier i vikingtid og nordisk middelalders skriftserie vol. 4, Oslo 2002. See also Bauermann's doctoral dissertation in history, *Masters of the Narrow Sea: Forgotten Challenges to Norwegian Rule in Man and the Isles, 1079–1266*, Acta Humaniora vol. 286, Oslo 2007. For summaries of research on Man and the Hebrides, see McDonald 1997; Beuermann 2002 and 2007.

[38] E.g. Johnsen 1966; Lustig 1979; Cowan 1990; Beuermann 2002 and 2007. See also Patrick Topping, "Harald Maddadsson, Earl of Orkney", *SHR* 58, 174, 2, 1983, pp. 105–20.

[39] McDonald 1997 and R. Andrew McDonald, *Manx Kingship in Its Irish Sea Setting, 1187–1229: King Rognvaldr and the Crovan dynasty*, Dublin 2007. See also Beuermann 2007.

[40] Finn Gad, *Grønlands historie vol. I: Indtil 1700*, København 1967.

There was an increased interest in the Faroes' medieval history in the nineteenth and early twentieth centuries parallel and interwoven with the general growth of national sentiments in western Scandinavia.[41] Since then interests in Faeroese medieval history has decreased. However, Hans Jacob Debes has published articles on the historical connections between the Faroes and Norway, where, for instance, he discusses the question of the alleged submission to the Norwegian crown in the thirteenth century. In addition, Steinar Imsen included the Faroes in his study of peasant communalism.[42]

Alternative perspectives

The last decades have seen the publication of several works concerning medieval history where the national perspective has been deliberately set aside in favour of a transnational outlook, studying and comparing historical phenomena and processes across today's national borders. For example, the British historian Robin Frame compares the emergence of different political-administrative systems in *The Political Development of the British Isles, 1100–1400*. In this and similar studies the British Isles are regarded as a whole and as a single area of investigation, a perspective that is well suited to revealing and analysing, among other things, the dominant position of the English kings in the islands before the military conquest began.[43] Although it certainly

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[41] This interest led, among other things, to the sources collection *Diplomatarium Færoense* (*DF*), ed. J. Jakobsen, Tórshavn 1907. On national currents in the Faroes, see Hans Jacob Debes, "Faroe Islands", in P. Pulsiano (ed.), *Scandinavia in the Middle Ages: An Encyclopedia*, New York and London 1993; "Færøyene og Norge: En tusinårig forbindelses begyndelse, forløb og afslutning", *HT* 74, 1995, pp. 24–25; "Ideer og identitet—Færøerne og europæiske tidsbevægelser", in Ingi Sigurðsson (ed.) *Internasjonale idéstrømninger og nordisk kultur 1850–1914*, Oslo 1996, pp. 58–73.

[42] Hans Jacob Debes, *Norðurlond og Føroyar* and *Skattland og len*, Føroya saga I–II, Tórshavn 1990, Debes 1993, pp. 184–186; Debes 1995; Imsen 1990.

[43] Frame 1995; G. W. S. Barrow, *Feudal Britain*: *The Completion of the Medieval Kingdoms 1066–1314*, London 1956, is regarded as the pioneer in this tradition. See e.g. Rees R. Davies (ed.), *The British Isles, 1100–1500: Comparisons, Contrasts and Connections*, Edinburgh, 1988; cf. Davies 1990, ch. 1 and Rees R. Davies, *The First English Empire: Power and Identities in the British Isles 1093–1343*, Oxford 2000; John Gillingham, "The Beginnings of British Imperialism", *Journal of Historical Sociology* 5, 1992, pp. 392–409; Reynolds 1997b, pp. 130–31, 133–38; McDonald 1997, pp. 9–10. In Davies 2000 the author gives an account in the preface of the relationship between the comparative line that he represents and the traditional national approach.

entails methodical challenges, a transnational perspective is essential in studies of composite political units like the kingdom of Norway in the thirteenth and fourteenth centuries.[44] Such a perspective can introduce questions of a type that cannot be answered in a limited national context, and it requires the examination of phenomena such as state formation across modern national boundaries, boundaries that medieval historians—more or less consciously—take as their starting point. British research also demonstrates how to make use of research findings from several national traditions in a different context, for instance in comparisons of the establishing of royal institutions. Accordingly, available studies on developments within each Norse territory, and bilateral studies on relations to the Norwegian realm, can be of use in research projects that aim to do more than explain a nation's or region's uniqueness.

Inspired by the British research of the last few decades, I have chosen to investigate the relationship between the tributary lands and the Norwegian crown in a holistic perspective. The tributary lands will therefore be treated as part of the Norwegian king's sphere of interest in the time before they were incorporated, and subsequently as a part of the king's realm. It is also necessary to treat the tributary lands in a holistic perspective because I want to use the empirical study of the lands to draw conclusions about the political-administrative development of the Norwegian kingdom in general.

In *State and Society in Medieval Europe: Gwynedd and Languedoc under Outside Rule* the American historian James Given has performed a comprehensive study of the integration of formerly autonomous or semi-autonomous areas into larger political units in the High Middle Ages. Starting from the premise that conditions before the integration were different, Given describes and explains how Gwynedd in Wales and Languedoc became politically, administratively, economically, and socio-politically integrated in the monarchies of England and France respectively, and the consequences of the process. Among

[44] Richard J. Finlay, "New Britain, New Scotland, New History? The Impact of Devolution on the Development of Scottish Historiography", *Journal of Contemporary History* 36, 2001, pp. 384–85; Oram 2000, pp. 32–43; Alexander Grant and Keith Stringer, "Introduction. The Enigma of British History", in A. Grant and K. Stringer (eds.), *Uniting the Kingdom? The Making of British History*, London and New York 1995, p. 5, esp. n. 4, and Nicholas Canny, "Irish, Scottish and Welsh responses to centralisation, *c.* 1530–*c.* 1640", ibid., p. 147.

other things, Given examines the fate of the original political and administrative structures. His comparative analysis reveals the different forms that "outside rule", as he calls the result of the integration, could take within the frame work of the same kingdom.[45] Given believes that the great differences in the way Gwynedd and Languedoc were ruled were due to local conditions which set limits to the kings' exercise of power, and thus to the integration. Given postulates a scale for measuring the extent to which a local community was integrated in the political-administrative organization of a kingdom. A minimalist solution, according to this approach, is a lax hegemony over the community, with the local elite accepting a form of royal overlordship and periodic payment of tribute. Given counts the total reorganization of local political structures as a maximalist solution, in which traditional governing mechanisms are abolished and replaced by the political-administrative structure of the core area.[46]

Given thus uses the term "outside rule" to describe the political-administrative result of the integration process. By this he means that the basis for the government of Gwynedd and Languedoc was placed in the core area of the monarchy, in England and the Ile de France. Given makes a direct association between the establishment and structure of outside rule and the state-formation process, and the cultural, administrative, judicial, and fiscal instruments resulting from it.[47] Given's approach to and analysis of the integration process, his choice of theme and object of study, is very interesting in connection with my study of the tributary lands. Were they ruled from outside? Were the premises for their political-administrative structure placed in Norway, the core area of the king's realm, or did the original structures persist even after the king had established his power? Like Given, I too directly associate outside rule with state formation, and therefore I investigate whether characteristic features of the Norwegian state-formation process also made themselves felt in the studied areas.

Given's study has a great deal in common with more recent works about the unification of Norway, which are relevant for the integration of the tributary lands. These are works which analyse the admin-

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[45] Given 1990, pp. 5, 65.

[46] Given 1990, p. 42. In his account of the situation in Wales before and during the English king's final conquest of Wales, Given primarily uses Davies 1987, and for Languedoc, Wolff 1967 (Given 1990, p. 38, n. 82).

[47] Given 1990, pp. 1–11.

istrative and political consolidation of Norway in the Middle Ages by examining the relationship between central government and local community.[48] The Norwegian historian Magne Njåstad also draws attention to differences in the administrative development in different territories in a study of conflicts and conflict resolution between the local community and the national authorities *c.* 1300–1540 in Jemtland and Borgarsysla. Moreover, Njåstad has, like Given, chosen to look at areas with very different political and social structures, stressing the limits local conditions set on the central authorities' ability to exercise power.[49]

It is not my intention to make a direct comparison with the results of other studies of integration in medieval Norway. However, I want to use their findings to show that it is necessary and fruitful to view the integration of the tributary lands in relation to contemporary development in Norway and, not least, to consider the integration process within the larger European context to which it belonged.

In the pre-state phase in the twelfth century, the ties between the different territories and the king were relatively uniform. The kings were highly dependent on the benevolence of local magnates if they wished to maintain their political hegemony. The magnates' power position was mainly due to their local power base, and not to their relations with the king. Although state formation led to greater centralization, the thirteenth-century states were also loosely tied together. They consisted of territories which were primarily linked to each other through their relationship to a shared prince. The territories could border on each other or be geographically separated. They could also have different status in the kingdom and different systems of government.[50]

In the sixteenth century the European states found themselves in a process where the loosely connected units were giving way to more

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[48] This applies, for instance, to Imsen 1990; Njåstad 2003; Dørum 2004. Imsen 1990 is not primarily about integration but it nevertheless describes the expansion and development of the crown's political-administrative apparatus locally.

[49] Njåstad 2003, ch. 16; Given 1990, p. 15.

[50] At the end of the thirteenth century Aragon comprised parts of the Iberian Peninsula, islands in the Mediterranean, parts of southern Italy, and Sicily. The English king's dominion included England, parts of today's France and Ireland, Wales, the Channel Islands, etc. Although the whole of Wales was under the English crown from 1282, there were different systems of government in the country. Some parts were ruled by the king's vassals while others were governed directly from England (Davies 1987, pp. 363–67; Given 1990, pp. 51–52).

permanently composed principalities.[51] Terms such as "conglomerate state", "mosaic state", and "composite state" have been employed to describe these loose formations.[52] A conglomerate state is characterized by political and historical diversity. It consists of territories with their own laws, systems of government, historical traditions, and heterogeneous nations or ethnic groups. The term conglomerate state has also been used to describe the kingdom of Norway in the High and Late Middle Ages.[53] This study of the integration of the tributary lands should help to further elucidate the consequences that territorial consolidation and state formation had for the kingdom of Norway and for the tributary lands, and whether the kingdom of Norway had more in common with the more firmly welded states of the late medieval and early modern period than the loose units that are said to characterize the twelfth and the thirteenth centuries.

Approach and plan of study

The relationship between the Norse island communities and the Norwegian king underwent several phases in the period from *c.* 800 to 1400. The relationship arose when the first emigrants from what would later become Norway began to settle on the islands in the North Atlantic, along the coast of Scotland, and on the Irish and British mainland from *c.* 800. In what is called the Viking Age in Norwegian historiography, *c.* 800–1066, contacts between the Norse island communities and the Norwegian kings were unstable and varied in character. There were, however, historical, cultural, economic, ecclesiastical, and political bonds which were the basis for the next phase; from the end of the twelfth century the Norwegian crown established firmer control over the Faroes, Orkney, and Shetland. When Greenland and Iceland were submitted to the Norwegian crown in 1261 and 1262–64 respectively, all the Norse island communities, apart from Man and

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[51] Gustafsson 2000, p. 27.

[52] Knut Mykland, *Bonniers världshistoria* 13, *Revolutionernas tid*, Stockholm 1985; H. G. Koenigsberger, "Composite States, Representative Institutions and the American Revolution", *Historical Research* 62, 148, 1989, pp. 135–53; J. H. Elliott, "A Europe of Composite Monarchies", *Past and Present* 137, 1992, pp. 47–71; Harald Gustafsson, "The Conglomerate State: A Perspective on State Formation in Early Modern Europe", *SJH* 23, 1998, pp. 193–98, 209–10.

[53] Njåstad 2003, pp. 249–50.

the Hebrides, had been incorporated into the kingdom of Norway. In reality, the administrative integration had started at the end of the twelfth century, because the king already had officials in the Faroes, Orkney, and Shetland at this time. But the real integration process, which comprised, among other things, the establishment of a royal administration, a legal community, and regular tax collection, gained momentum during the reign of King Magnus Håkonsson, 1263–80.

The period up to the end of the twelfth century will be considered in a background chapter, but since the aim of this study is to chart and analyse the process that led to the tributary lands becoming a political-administrative part of the Norwegian king's realm, it is necessary to give a more thorough survey of the subsequent incorporation phase. I choose, however, to concentrate the principal empirical investigation on the period *c*. 1270 to 1400, that is, the political-administrative integration under King Magnus Håkonsson and his sons and its consequences for the tributary lands in the fourteenth century.

In earlier research on unification and integration, scholars have studied several aspects of integration and outside rule, examining, for example, judicial, administrative, socio-political, cultural, and economic development.[54] In connection with the tributary lands, however, the sources impose clear limitations on which aspects of the integration process can be studied. For example, the Norwegian naval defence system (ON *leiðangr*) never comprised the island communities, and therefore it is hardly possible to investigate military integration.[55] The same applies to economic integration, for even though we have scattered information about the king's revenue from the tributary lands, it is difficult to perform a comprehensive study of the resources extracted from them.

The historical and cultural aspects of the integration will be the topic of my account of links between the Norse island communities and the Norwegian crown before *c*. 1270. Starting from the state-formation process and the political-administrative development in Norway, I focus on the government of the tributary lands, and investigate the judicial, administrative, and socio-political aspects of integration and the further development of the king's rule. As regards the judicial

[54] See Imsen 1990; Given 1990; Njåstad 2003; Dørum 2004.

[55] On the naval levy of Norway, see Claus Krag, "The Early Unification of Norway", in K. Helle (ed.), *Prehistory to 1520*, The Cambridge History of Scandinavia, vol. 1, Cambridge 2003, p. 189.

development, among the issues I wish to consider are whether a formal basis was established for the king's rule over the tributary lands, and whether they became a part of the legal community that King Magnus Håkonsson established in Norway in the 1270s. We shall then go on to look at the administrative integration and how outside rule was organized and functioned. I choose to investigate three aspects of this rule: the king's administrative apparatus, the local public sphere, and the men who were active in the king's service in the government of the tributary lands. The study of the king's administration includes the establishment and expansion of the king's local organization. This primarily consisted of the officials and institutions that were to safeguard the king's and the inhabitants' interests locally, from the earl of Orkney to the local assemblies. By local public sphere, I mean the interaction between the inhabitants of a tributary land and the king's representatives in their attempts to find solutions to matters of common concern. In this study I will concentrate on what happened at the administrative level of the tributary land and/or the sheriffdom (*sýsla*) level, the two uppermost, and often concurrent, administrative levels, and pay less attention to the consequences for the smaller local communities.[56] What consequences did outside rule have for the original government systems of the lands, for local public life and the local elite? Originally the local public sphere had been controlled and regulated by the inhabitants of the island communities. A central question, therefore, is whether the king's officials and the institutions of royal power took over the role formerly played by the land's own inhabitants and bodies.

In Norwegian research on the Middle Ages it has been found that there was a direct link between the growth of the state and sociopolitical development. The "king's men"—the men who swore their personal fidelity to the king and became his liegemen or sworn men (ON *handgegnir menn*)—are said to have undertaken far-reaching duties of a military, administrative, and political kind in return for their privileges. This is supposed to have been an important development in the maintenance and further expansion of the Norwegian medieval state, while it simultaneously strengthened the position of the aristocracy in society. The local participation of the aristocracy was

[56] Cf. ch. 4 for a presentation of the crown's local administrative apparatus.

equally important when the king brought Iceland under his rule. Its role in the integration process and its further destiny will therefore be a major topic of this study, which will also shed light on the thesis that there were "feudal features" in the government of the kingdom of Norway in the High and Late Middle Ages, as is usually claimed.[57]

Another aim of the study is to establish whether changes in the governance of the tributary lands were due to changes in the national Norwegian government in the fourteenth century, or if they were a result of local needs. By following developments in the government of the tributary lands up to the formation of the Kalmar Union between Denmark, Norway, and Sweden in 1397 we can also obtain answers to the question of whether the kings had a separate strategy for the government of the tributary lands, or if these were treated like Norwegian local communities or regions. The study may also help to illuminate what happened to the Norwegian medieval state in the Late Middle Ages. On the basis of events in national politics, I choose to divide the investigation of the government of the tributary lands into three separate periods. The first period, from *c.* 1270 to 1319, starts with the state-building project of Magnus Håkonsson and his sons and covers the judicial, administrative, and socio-political integration and its consequences up to the death of Håkon V Magnusson in 1319. Part two follows the development from 1320 until the next major watershed in historiography, 1350, when the ravages of the plague abated. Håkon V's death and the subsequent personal union with Sweden is usually regarded as one of the most important dividing lines in Norwegian medieval history. We have already seen that Norwegian historians have traditionally ascribed great significance to the unions of the fourteenth century for the development of national government, but that opinions have changed in recent years. The Black Death and the ensuing agrarian crisis are said to have led to a reorganization of Norwegian national government. But while the plague also struck Orkney and

[57] See Steinar Imsen, "King Magnus and his Liegemen's 'Hirdskrå': A Portrait of the Norwegian Nobility in the 1270s", in A. J. Duggan (ed.), *Nobles and Nobility in Medieval Europe*, Woodbridge 2000(b), pp. 205–20, about the Norwegian king's liegemen. On the role of the Norwegian aristocracy in state development and their monopoly on royal offices, see O. J. Benedictow, "Norge", in *Den nordiske Adel i Senmiddelalderen*: *Rapporter til det nordiske historikermøde i København 1971*, pp. 14–17; Helle 1972, pp. 561–72; *Hirdskråen. Hirdloven til Norges konge og hans håndgangne menn* (*H*), ed. and transl. by Steinar Imsen, Oslo 2000, pp. 42–50.

Shetland, it did not reach the Faroes or Iceland at this time. In view of the question of whether it was local or central factors that influenced the government of the tributary lands, it is therefore particularly interesting to examine whether the crisis also had consequences for the government of the Faroes and Iceland. This last study period ends with the establishment of the Kalmar Union. After that time we can scarcely talk of a separate Norwegian state, although the kingdom of Norway continued to be a political entity until 1537.

From a study of relations between the king and the magnates, the Norwegian historian Hans Jacob Orning has drawn the following conclusion: the king's exercise of power depended on his presence and his unpredictability.[58] In this study we will look at how the king exerted his power in areas that were geographically distant from the political centre of the kingdom, where poor communications were a constant problem, and where the king himself never set foot. My study therefore seeks to explain how it was possible to establish, develop, and maintain direct royal mastery over a long period of time despite the king's physical absence, and, as we will see, despite very few examples of what Orning calls royal unpredictability.

I have already stated that the study is restricted to Iceland, the Faroes, Shetland, and Orkney. The Greenlanders consented to pay tax to the Norwegian king in 1261, but lack of sources makes it impossible to investigate the integration of this tributary land in the king's realm. Greenland will nevertheless be brought into the account of the historical relationship between the Norwegian king and the Norse island communities and in connection with the incorporation. The same applies to Man and the Hebrides, which were ceded to Alexander III of Scotland in 1266 without having been formally incorporated into the Norwegian king's realm. As we saw at the beginning, there were also other territories under the Norwegian king's rule or to which the king claimed a right. Jemtland has been described in modern research as a tributary land, but since the province is never called the king's tributary land (ON *skattland*) in the contemporary sources—as Greenland, Iceland, the Faroes, Shetland, and Orkney are, and as are Man and the Hebrides for that matter—I choose to omit Jemtland and the king's

[58] Orning 2008, "Conclusion".

territories in the northernmost part of Scandinavia from this study.[59] In addition, as we shall see in the next chapter, the Norse island communities shared a cultural, economic, and ecclesiastical heritage.

The chief focus of this book is public life in the tributary lands and those who took part in it. The study is, in this sense, a traditional work of political history, with the men who had legitimate power and acted on behalf of the king or the inhabitants at the centre. I shall divide the actors into several groups, with a main distinction between the men who were in the king's service—the king's men—and those who were not. In a study that in large measure concerns the administration of the king's interests locally, the men who represented the king in the tributary lands necessarily play a major part. This group comprised the king's officials, royal liegemen, and emissaries of the king sojourning in the tributary lands. I choose in addition to include the officials' local agents in this category, even though they had not sworn personal oaths of loyalty to the king, as the officials and the king's liegemen had.[60]

The next distinction is made between the common people and the local elite or aristocracy. The Old Norse word for the common people as a group, *almúgi* was in use from the thirteenth century in Iceland and Norway. This was not a uniform group, but in this context the term refers primarily to the part of the population who did not belong to the king's men, the clergy, or the local secular aristocracy. The term was without exception used only about the farmers or peasants (ON *bœndr*), but we also have examples in the sources of a distinction being made between prominent farmers and the common people as a whole. By the mid-fourteenth century the concept of *almúgi* had begun to move in the direction of the meaning it acquired after the Reformation, paupers and people of humble means, while the farmers were chiefly those who owned land.[61] There were, however, differences

[59] Imsen 1988; Steinar Imsen, "Republikken Jämtland—myte eller verkelighet?", *Jämten* 89, 1996, pp. 51–63; Steinar Imsen, "Det norske grenselandskapet Jemtland", in H. Gustafsson *et al.* (eds.), *Vid gränsen: Integration och identitet i det förmoderna Norden*, Göteborg and Stockholm 2006, pp. 61–74.

[60] For other definitions of "king's men", see Helle 1972, pp. 82–83; Imsen 1990, pp. 79–81; Imsen 2000b.

[61] Olav Bø, "Almuge", *KLNM* I, 1956, col. 106. The term seems to have come from Iceland, where it was in use in the 1260s. From the 1280s it also occurs in Norwegian royal letters (Imsen 1988, p. 133). In agreements between Norwegian kings and Icelanders from 1262 onwards the terms *almúgi* and *bændr* are both used. See *Diplomatarium Islandicum* (*Íslenzkt fornbréfasafn*) (*DI*). vol. I, eds. Jón Sigurðsson, Jón Þorkelsson *et al.*, Kaupmannahöfn and Reykjavík 1857, nos. 152 A, 153 A–D,

between farmers. The honourific title of *bóndi* was primarily used about the king's men and members of the top economic and social stratum in the farming community—the local elite—from the end of the thirteenth century. If they became the king's liegemen, representatives of the local elite could also be recruited to the national aristocracy, and even at times to the high aristocracy of the realm. While the core of the Norwegian national aristocracy in the High Middle Ages consisted of the leading members of the hird (ON *hirð*), the king's retinue of men that owed him fealty and service, the high aristocracy consisted of the richest landowners and the men occupying the top spiritual and secular ranks, along with their families. The king's counsellors and leading local and central officials in the king's court and the hird were usually recruited from the high aristocracy.[62]

The source material

The greatest challenge in this study is the paucity of sources. Compared with the situation in other European countries, the extant written source material from the Norse world is very limited. The character and scope of the sources change, however, in the course of the period under study. Whereas our knowledge of political conditions before 1270 mainly derives from Icelandic sagas and annals and Irish and British chronicles, which were sometimes written several centuries after the events took place, the diplomatic material is the most important source from the end of the thirteenth century. Thus the source material differs greatly in character, from the detailed accounts of the sagas and chronicles to the more laconic, standardized style of the diplomas.

The sagas are the result of the flourishing literary environment in Iceland during the High Middle Ages. The chief figure in this environment and genre is Snorri Sturluson, author of *Heimskringla*,

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II 177. In *Árna saga biskups* (*Asb*), ed. Þorleifur Hauksson, Reykjavík 1972, e.g. ch. 62, 63, 107, the two words are used alternately about the common people attending the local assembly. The king also used the words interchangeably: around 1320 the Icelandic writers of a letter called themselves *bændr* and *almúgi*, but the king's answer refers to *þegnar* (Eng. subjects) and *almúgi* (*DI* II 337, 342, IX 4 [1319]). See also Halvard Bjørkvik, "Bonde. *Norge*", *KLNM* II, 1957, cols. 89–95; Magnús Már Lárusson, "Bonde. *Island*", ibid., cols. 95–97.

[62] Helle 1972, pp. 82–83; Imsen 1990, pp. 81–82. See Imsen 2000b; Helle 2003, pp. 381–85, about the hird.

the most famous saga of the Norwegian kings. The Icelandic sagas are usually divided into the following subgroups by scholars: kings' sagas, concerning the Norwegian kings up to and including Håkon Håkonsson (1217–1263); the sagas of Icelanders or family sagas, such as *Njáls saga*; Icelandic contemporary sagas, such as the compilation *Sturlunga saga*; and the bishops' sagas, saints' lives, and legendary and chivalric sagas. The later kings' sagas (from *Sverris saga* to *Hákonar saga Hákonarsonar*) and the two bishop's sagas from my period, *Árna saga biskups* and *Laurentius saga biskups*, can also be counted among the contemporary sagas.[63] In this project I chiefly use the kings' sagas, the contemporary sagas, and the bishops' sagas, and since the chief empirical study begins around 1200, it is primarily the source value of the contemporary sagas that I have to consider. Saga material other than the contemporary sagas will mainly be used to show how the saga writers perceived the relationship between the king in Norway and the Norse island communities before the final phase of the integration began, and to elucidate the historical relationship between Norwegian kings and the Norse island communities *c.* 800–1200.

The value of the different types of sagas as historical sources is a subject of constant debate among historians working with West Nordic history before 1300.[64] In my case it is especially the lack of contemporaneity and the virtual impossibility of checking the sagas against other source material that is the challenge. Although *Ólafs saga helga* about King Olav Haraldsson the Holy (St. Olav) (1015–1028) contains information about royal taxation of the Norse island communities from the first half of the eleventh century, we must assume that this and similar statements might have been products of the saga writers' own times, in this case mainly the first half of the thirteenth century. Moreover,

[63] See e.g. Theodore M. Andersson, *The Problems of Icelandic Saga Origins. A Historical Survey*, New Haven and London 1964; C. J. Clover and J. Lindow (eds.), *Old Norse-Icelandic Literature. A Critical Guide*, Ithaca 1985; Else Mundal, "Sagalitteraturen", in O. E. Haugen (ed.), *Handbok i norrøn filologi*, Bergen 2004, pp. 267–302, about the sagas.

[64] Ólafía Einarsdóttir, "Om Samtidssagaens kildeværdi belyst ved Hákonar saga Hákonarsonar", in *Samtíðarsögur* II, *Forprent, Níunda alþjóðlega fornsagnaþingið*, Akureyri 1994, pp. 638–53; Vésteinn Ólason, "The Political Element in Íslendinga saga: A Summary", ibid., pp. 799–802; Sverre Bagge, *Society and Politics in Snorri Sturluson's Heimskringa*, Berkeley and Los Angeles 1991, pp. 1–21. In his doctoral dissertation Hans Jacob Orning shows in detail the source-critical challenges posed by *Sturlunga saga* and *Hákonar saga Hákonarsonar* when they describe the same course of events and persons. (Orning 2008, pp. 228–31).

we can rarely check the statements against sources other than sagas produced in the same literary environment at the same time.[65]

Although the contemporary sagas—written down *c*. 1200–1340 about the period *c*. 1150–1320—are presumed to be relatively reliable as regards events and chronology, they too pose challenges. The establishment of the king's rule in Iceland is described in *Íslendinga saga* (in the *Sturlunga saga* compilation), in *Hákonar saga Hákonarsonar* and in the Icelandic annals. Anyone who reads the story of the murder of Snorri Sturluson in *Íslendinga saga* and then turns to the account of the same event in *Hákonar saga Hákonarsonar* will understand the problem. Although Sturla Þórðarson is the author of both works and there was a relatively short time between the events and the time when the account was committed to writing, the narratives are different: In *Hákonar saga Hákonarsonar*, an official king's saga commissioned by Håkon's son and heir, Magnus Håkonsson, it seems as if Sturla elected to censor the account: he chooses not to mention King Håkon's role in the drama as he does in *Íslendinga saga*.[66] The censorship also affects the role of the author and other actors in the political game in Iceland in the mid thirteenth century.

In connection with this study I especially wish to stress the importance of the sagas about the Icelandic bishops Árni Þorlákssson and Laurentius Kálfsson.[67] The detailed account in *Árna saga biskups*, for example, gives insight into the king's local rule that is unparalleled in the Norse source material from the Middle Ages. Like the rest of the contemporary sagas, the bishops' sagas are also heavily influenced by the authors' attitudes to the topics of the texts, and the bishops' opponents are not always portrayed in a flattering light. Nevertheless, the authors' tendency to support the bishops in the sagas is so explicit that it is easier to unveil it than in other contemporary sagas.[68]

For Orkney and Shetland there are also statements in Scottish sources to supplement the information in the Norse material. The notices in the Icelandic annals—relatively short, chronicle-style entries

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[65] See e.g. *Orkneyinga saga (Os),* ed. Finnbogi Guðmundsson, Íslenzk fornrit XXXIV, Reykjavík 1965, 'formáli', § 3, on the relationship between *Orkneyinga saga* and the kings' sagas.

[66] *HsH*, ch. 248; *Íslendinga saga* (*Ísl*), Sturlunga saga I, eds. Jón Jóhannesson, Magnús Finnbogason, and Kristján Eldjárn, Reykjavík 1946, ch. 146, 151–52.

[67] I use Þorleifur Hauksson's edition of *Árna saga biskups* (Reykjavík 1972) and Árni Björnsson's edition of *Laurentius saga biskups* (*Lsb*), Reykjavík 1969.

[68] See e.g. *Asb*, p. cxi.

written by clerics in Iceland in the High and Late Middle Ages—can also be used to check the accounts in the sagas, although the connection between individual sagas and annals is not entirely clear.[69] The Icelandic annals also pose challenges of source criticism, among other things when it comes to chronology.[70] The annals become richer in scope and more contemporary the further into the study period we come, from brief notices at the start of the thirteenth century to fuller narratives of complete chains of events at the end of the fourteenth century.

My premise is that, as long as one is familiar with the context in which the sources arose, it is possible to use them critically as historical sources. This is also a necessary attitude when working with the material that is considered by many to be the most trustworthy of all source material, namely, the diplomas. For whereas the sagas have been subjected to source-critical assessment since the early twentieth century, the diplomas have seen less theoretical debate about their source value.

Diplomatic sources are usually divided into two categories: normative and non-normative.[71] The normative sources include law codes, amendments, and ordinances. To the normative sources we may also add the agreements reached between representatives of the tributary lands and the crown, and between Norwegian and Scottish kings. Normative sources can only give limited insight into how a kingdom was governed in practice, but they tell us about the king's motives

[69] *Soga om Magnus Lagabøtes* (*AM* 325 x, 4) (*MLs*), transl. and ed. Kr. Audne and Hallvard Magerøy, Noregs kongesoger vol. 4, Oslo 1979, pp. 347–50; *Asb*, pp. lxii–xcix. The Icelandic annals are printed in *Islandske Annaler indtil 1578*, ed. Gustav Storm, Christiania 1888.

[70] On the annals as a historical source, see e.g. Knut Dørum, "Ble Erik av Pommern kronet i Norge før Kalmarmøtet?", in *HT* 74, 1995, pp. 469–72; Erik Opsahl, "Erik av Pommerns kroning og Norges rolle i dannelsen av Kalmarunionen", ibid. pp. 473–91, Eldbjørg Haug "Erik av Pommerns norske kroning" and "Erik av Pommerns norske kroning nok en gang. Svar til Knut Dørum og Erik Opsahl", ibid. pp. 1–21 og pp. 492–508; Eldbjørg Haug, "The Icelandic Annals as Historical Sources", *SJH* 22 1997, 4, pp. 263–74; Eldbjørg Haug, "Muligheter og begrensninger i de islandske annalene", *Forum Mediaevale*, Ny rekke 5, 2002, pp. 57–80.

[71] Besides *Diplomatarium Islandicum* (*DI*), *Diplomatarium Norvegicum* (*DN*), and *Norges gamle Love indtil 1387* I–V (*NgL*), I also use *Records of the Earldom of Orkney* (*REO*), *Diplomatarium Orcadense et Hialtlandense* (*DOH*), *Diplomatarium Færoense* (*DF*); *Shetland Documents 1195–1579* (*SD*), *Norske middelalderdokumenter* (*NMD*), *Norske diplomer til og med 1300* (*ND*) and other collections and special editions of sources.

and intentions. Since the normative material received great attention from nationally-oriented historians in the nineteenth century, I investigate with particular care the conclusions that have been drawn from the normative material alone. When it comes to diplomas of a non-dispositive character, such as letters of witness, property charters, judgements, complaints, and non-normative royal letters, the greatest challenges come from the absence of dates and from later transcription of lost originals. In my study I shall use some of the oldest original Norse diplomas and some of the most controversial transcripts.[72] At the same time, there are datings and interpretations of the content of the diplomas which have been made in very different traditions of source criticism and national historiography. Moreover, the fact that sources have been important in nation-building rhetoric has influenced dating and critical appraisal.

Although I omit Greenland from the empirical study because of the lack of sources, this does not mean that the source material is especially rich for the other tributary lands. The uneven geographical distribution of the sources is one of the major challenges of the study, as in all projects that use source material from different geographical areas. The largest number of sources concern Iceland, where especially the contemporary sagas give a unique insight into that society. The Icelandic material allows us to draw relatively certain conclusions about most of the problems raised by the study. When it comes to the Faroes, Shetland, and Orkney, the source material is at times so meagre that I must underline that some conclusions are necessarily hypothetical. Although this practise leads to methodical challenges, I choose to supplement the gaps in the source material by bringing in conclusions from the other tributary lands and Norway in order to back up my conclusions.

[72] Duke Håkon Magnusson's ordinance for the Faroes from 1298 is preserved in the original (Sth. 33, 4º) and printed in *Seyðabrævið*, eds. J. H. W. Poulsen and U. Zachariasen, transl. M. Barnes and D. R. Margolin, Tórshavn 1971, the whole of which is dedicated to this document known as the "Sheep Letter". The rules that regulated relations between the Icelanders and the Norwegian king after 1262, known as *Gamli sáttmáli*, on the other hand, are preserved only in transcripts from the fifteenth, sixteenth, and seventeenth centuries (see e.g. *NgL* I, no. 12; *DI* I 152, 153, II 177).

PART ONE

INCORPORATION

CHAPTER ONE

IN THE NORWEGIAN KINGS' SPHERE OF INTEREST

The oldest written information we have about the influence of the Norwegian kings over the Norse island communities to the west comes from Adam of Bremen (*c.* 1075–80) and from the anonymous history of Norway written almost a century later, *Historia Norwegie* (*c.* 1160–75). Adam of Bremen's history does not use any comparable collective term for the islands, but it does inform us that "The ocean off Norway contains many considerable islands, of which nearly all are now subject to the rule of the Norwegians."[1] Adam of Bremen thus assumed some form of Norwegian hegemony over parts of the islands. *Historia Norwegie* is the oldest source using a term indicating the payment of tribute, namely *insula tributaria*. The author lists the Norwegian tributary islands between Norway and Ireland: Orkney, which the author apparently uses at times as an umbrella name for the earldom of Orkney (Orkney and Shetland) and the Norse island communities in the Irish Sea (Man and the Hebrides), the Faroes and Iceland. With the exception of Iceland, all these islands are said to have paid tax to the kings of Norway.[2]

The aim of this chapter is to show that the historical conditions existed for the integration of the tributary lands in the realm of the Norwegian king in the thirteenth century. We shall therefore look more closely at the formation of a Norse cultural sphere and the Norwegian kings' connections with all the Norse island communities before the incorporation process gained momentum from the end of the twelfth century, in the case of the Faroes, Orkney, and Shetland, and from the 1220s for Iceland. We will see that, even if the Norse island

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[1] Adam av Bremen, *Beretningen om Hamburg stift, erkbiskopenes bedrifter og øyrikene i Norden* (*AB*), transl. Bjørg Tosterud Danielsen and Anne Kathrine Frihagen, Oslo 1993, pp. 214–17, IV.xxxv (34), p. 215. See pp. 14–15 for dating. English translation: Adam of Bremen, *History of the Archbishops of Hamburg-Bremen*, transl. Francis J. Tschan, New York 2002.

[2] *Historia Norwegie* (*HN*), ed. Inger Ekrem and Lars Boje Mortensen, transl. Peter Fisher, Copenhagen 2003, pp. 12–14, 65–75. For the dating see Lars Boje Mortensen's introduction, pp. 11–24.

communities to the south-west were in the Norwegian kings' sphere of interest from the eleventh century, and the kings at times had some influence over political development in the islands, it is doubtful whether we can claim that the Norwegian kings exercised any form of rule over the Norse island communities until towards the end of the twelfth century.

The Norse world

In *Domination and Conquest. The Experience of Ireland, Scotland and Wales 1100–1300* (1990) the British historian Rees R. Davies investigates cultural and ecclesiastical influence, colonization, and trade, in order to show how the Normans, the English, and the Anglo-Norman/English crown established a dominant role in the British Isles from the end of the eleventh century. Davies then argues that this dominance was a necessary condition for the territorial expansion that came in the thirteenth century. But whereas the dominance of the post-Conquest English kings in the British Isles and English colonization led to what was at the time an extreme encounter between the original Irish and Welsh cultures and the continental Anglo-Norman culture, it is similarity that characterizes society in Norway and the Norse island communities in the Early Middle Ages.[3]

From the end of the eighth century the sea was no longer an insurmountable obstacle to people in Scandinavia. Shipbuilding technology and good navigation skills enabled trading and plundering voyages to the British Isles. People from Norway began at an early stage to settle in the area around the Irish Sea and on the islands west and north of Scotland. The Faroes, Iceland, and Greenland were also settled, directly from Norway and indirectly from the Irish Sea area.[4] In the Viking Age the Irish Sea was a Norse-Gaelic sea, an easy point of entry for plundering raids on the Scottish and English mainland.

In the course of a couple of hundred years, the newcomers established communities inspired by the ones they had left behind. But while the islands in the North Atlantic were virtually uninhabited at

[3] Davies 1990.

[4] On Norse settlements to the west, see e.g. Andersen 1971, pp. 69–76, 78–85; Andersen 1986, pp. 420–28; Andersen 1994, pp. 265–85; Andersen 1996, pp. 5–50; Crawford 1987; McDonald 1997, pp. 13, 24–30; Gunnar Karlsson 2000, pp. 9–16.

the time of the settlement, this was not the case in Orkney, Shetland, the Hebrides, Man, and the Irish and Scottish mainland. The islands north of Scotland and in the North Atlantic acquired a predominantly Norse culture and maintained relatively close links with Norway and the Norwegian king. This also happened to some extent in Man and the Hebrides, but unlike Orkney and Shetland, a large Gaelic element survived in the population, especially in Man, the southern Hebrides, and on the mainland. In these areas the Norse population was assimilated in the course of the Early Middle Ages, although it has been suggested that Norse social, economic and cultural tradition remained predominant in the Late Middle Ages in the Outer Hebrides.[5]

The Norse island communities developed different political and administrative structures. In the British Isles there were three influential Norse political centres in the Early Middle Ages: the Norse-Irish kingdom of Dublin, the kings of Man and the Hebrides, and the first earls of Orkney.[6] From *c.* 850 to 950 the Norse-Irish kingdom of Dublin dominated the Irish Sea area, but from the mid-tenth century Dublin lost its grip on the Norse sphere, to be replaced by the kings of Man and the Hebrides and the earls of Orkney.

The kings of Man and the Hebrides played an important part in political events in and around the Irish Sea from the mid-tenth century to the mid-thirteenth century.[7] The political structure consisted of many rival petty kings according to the Irish pattern, and it was not until *c.* 1080 that the kingdom functioned more as a political unit. A Norse-Gaelic dynasty controlled Man and the major part of the Hebrides from the end of the eleventh century until 1265, and laid the foundation for kingship in the islands. The kings ruled their kingdom through a network of chieftains. The island kingdom remained a political power factor in the Irish Sea area as long as naval strength was the decisive factor. For long periods, however, the kingdom was torn by internal strife and rivalry.

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[5] Richard Oram and Paul Adderley, "Innse Gall: Culture and Environment on a Norse Frontier in the Scottish Western Isles", in S. Imsen (ed.), *The Norwegian Domination and the Norse World c. 1100–1400*, 'Norgesveldet'. Occasional Papers No. 1, Trondheim 2010, pp. 125–48.

[6] On the successors of the Vikings, Dublin, and developments in the Irish Sea until *c.* 1100, see e.g. Andersen 1996, pp. 5–50; Seán Duffy, *Ireland in the Middle Ages*, Basingstoke 1997, ch. 2; Beuermann 2002, ch. II.

[7] See e.g. Andersen 1994 and 1996; McDonald 1997, ch. 1–3; Beuermann 2002, pp. 15–22.

Like the kingdom of Man and the Hebrides, the Orkney earldom was also hereditary. Unlike the lands to the south, however, Orkney followed the Norse tradition of inheritance, as a result of which the earldom was often divided between family members who had equal claims to it. The consequence was a division of the dignity and territory of the earl between several heirs, and a relatively high level of conflict between rival claimants and earls.[8] In the ninth, tenth, and eleventh centuries the earls of Orkney acted as expansive, independent princes.[9] Like the kings of Man and the Hebrides, they had their strength in the navy, and began early on to expand southwards to the Scottish mainland and in the Irish Sea. The king of Scotland was primarily occupied with establishing his power base in the core area in the south in the ninth and the tenth century. Early in the eleventh century, however, the Orkney earls forged dynastic ties with the Scottish royal house, and Earl Torfinn Sigurdsson (*d.* 1065) received Caithness and Sutherland from his maternal grandfather, King Malcolm II (1005–1034), and the joint earldoms of Orkney and Caithness became a reality. The geographical expansion of the earldom culminated under Torfinn in the mid-eleventh century when the earl dominated much of Scotland and made Man and the Hebrides tributary lands. Earl Torfinn also took the initiative to set up an episcopal see of his own in Orkney *c.* 1035.[10] The economic foundation for the expansion of the earls in the tenth and eleventh centuries was revenue from cereal cropping, the ability to control the trade route between the North Sea and the Irish Sea, and plunder. After Torfinn's death his realm disintegrated and the lands went back to their former rulers.[11] The earls of Orkney were dependent on support from the local chieftains who were attached to them through kinship or marriage. The chieftains gave the earls military assistance, in return for access to positions of power and the right to food and lodging (*veizla*) and property belonging to the earldom. Besides the chieftains and their men, the earl's liegemen also took part

[8] See Barbara E. Crawford, "The Joint Earldoms of Orkney and Caithness" in S. Imsen (ed.), *The Norwegian Domination and the Norse World c. 1100–1400*, Trondheim 2010, pp. 75–97.

[9] On developments in the earldom in the ninth, tenth, and eleventh centuries, see Crawford 1987, ch. 2–3; Thomson 2001, ch. 4–5.

[10] See Crawford 1987, pp. 80–81, 'Founding of the Orkney Bishopric', and below.

[11] The Orcadians's raiding expeditions in the twelfth century are described in detail in *Orkneyinga saga*, e.g. ch. 78–80.

in the government of the earldom. Shetland was a part of the earldom from *c.* 800–900, probably ruled by the earl's local supporters.

Our knowledge of Faroese and Greenlandic society in the Early Middle Ages comes from the saga tradition of the thirteenth century. This chiefly describes how Norwegian kings and earls from the tenth century tried to integrate the Faroes in the kingdom. The sagas describe both Faroese and Greenlandic society as relatively homogeneous farming communities without a dominant princely power or aristocracy.[12]

The Icelanders had developed a political structure of their own, based on the Norse society they had left behind.[13] Political power was in the hands of the chieftains (ON *goðar*, sg. *goði*). Together with their kinsmen, the chieftains constituted the local aristocracy. There are said to have been 39 (or 48) chieftains in Iceland in the Early Middle Ages, and even though there was concentration of power from the mid-twelfth century, no form of central power ever developed in Iceland, apart from the General Assembly, the Alþingi, an annual assembly or althing of all the free males, established around 930. At the General Assembly, the Law Council (ON *lǫgrétta*) had legislative power, whereas the Quarter Courts, one for each of the four quarters into which the island was divided, and the the Fifth Court (ON *fimmtardómr*) had judicial power. There were also thirteen district assemblies or things (ON *þing*) scattered around the four quarters.[14] Iceland constituted one large legal district, and it was a society where law and order had to be maintained without the presence of a prince or any other central power. The chieftains were central to local public life. Among other things, they nominated thingmen (ON *þingmenn*), representatives to the General Assembly from the local things. The chieftains themselves sat in the Law Council with their hand-picked

[12] *Færeyinga saga*, ed. Ólafur Halldórsson, Íslenzk fornrit vol. XXV, Reykjavík 2006, and *Grœnlendinga saga* & *Grœnlendinga þáttr*, ed. Eínar Ól. Sveinsson *et al*., Íslenzk fornrit vol. IV, Reykjavík 1935; Gad 1967; Debes 1990.

[13] See Magnús Stefánsson, "The Norse Island Communities of the Western Ocean", in K. Helle (ed.) *The Cambridge History of Scandinavia. Prehistory to 1520* vol. 1, Cambridge 2003, pp. 208–20; Jón Viðar Sigurðsson, Berit Gjerland and Gaute Losnegård, "Å skape eller gjenskape eit samfunn", in *Ingólfr: Norsk-islandsk hopehav 870–1536*, Førde 2005, pp. 117–59. On political development in Iceland in the period from the settlement until *c.* 1100, see Gunnar Karlsson 2000, parts I and II, pp. 20–27.

[14] *Fjórðungr* or quarter was the term for the four parts into which Iceland was formally divided. This division is traditionally said to go back to the tenth century. (Magnús Már Lárusson, "Fjerding. *Island*", *KLNM* IV, Oslo 1959, cols. 381–382).

thingmen as advisers and nominated judges to the courts. The chieftains thus had direct control over legislation and indirect control over the judiciary authority. Since there was no central power, each Icelander had to prosecute any offences against him and try to obtain compensation and redress. An ordinary Icelander was wholly dependent on his chieftain's support, for example if he wanted to bring a case to court. The chieftains functioned as heads and unifying factors in the self-defence of the local community, but they were in turn dependent on the people's support if they were to maintain their power. The system thus had an element of reciprocity. A chieftaincy (ON *goðorð*) was originally a lordship over people, not over territories. It consisted of a group of households with the chieftain's followers, in practice clients. The system had a built-in imbalance, however: a strong chieftain usually became stronger, and this was probably what led to the collapse of the system in the thirteenth century.

Cultural community is rarely mentioned as an important factor in the incorporation of the Norse island communities into the Norwegian kingdom in the thirteenth century.[15] But with the exception of Man and the Hebrides, there is little doubt that Norway and the Norse island communities were perceived as a cultural community in the thirteenth century. In addition to a common language, the awareness of a shared past was important. It is chiefly in the case of Iceland that it is possible to demonstrate the existence of a cultural community with Norway that went beyond language, primarily because the community comprised the intellectual milieu of the two countries.[16] Among the Icelandic chieftain class there was a consciousness of the links with Norway and the Norwegian king and of the history of each family before it came to Iceland. Icelanders entered the service of Norwegian kings and earls, and members of the Icelandic aristocracy could be fostered in Norway and have close bonds of kinship.[17]

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[15] The Faroese historian Hans Jacob Debes emphasizes, however, that since the inhabitants were of Norwegian origin, ties to Norway were both natural and necessary. He also stresses the shared culture and language, and the fact that people from the islands were not perceived as foreigners in Norway (Debes 1995, p. 34). See also Gunnar Karlsson 2000, 1.10 Identity.

[16] Bagge 1991, pp. 250–51.

[17] Jón Loftsson, a powerful chieftain at the end of the twelfth century, is a good example in this respect. Jón was brought up in Norway and is said to have been nephew of King Magnus Barelegs (1093–1103) (*Magnúss saga blinda ok Haralds gilla*, ed. Bjarni Aðalbjarnarson, Heimskringla III (*Hkr* III), Íslenzk fornrit vol. XXVIII, Reykjavík 1979 [1951], ch. 21).

The cultural community was also an ecclesiastical community.[18] In the course of the Early Middle Ages bishoprics were established in Man and the Hebrides (Sodor), in Orkney, the Faroes, Greenland, and two in Iceland. The earldom of Orkney-Caithness comprised two bishoprics: the see of Orkney with the archdeaconry of Shetland, and the see of Caithness, which was under the archbishopric of York. Until 1102/4 all dioceses except Sodor fell under the archbishopric of Hamburg-Bremen. From then on they belonged to the newly established archiepiscopal see of Lund (Denmark) until Norway obtained its own archbishopric in 1152/53, when all the sees in the Norse world were assembled in the archiepiscopal province of Nidaros.[19] This lasted until 1472 when both Orkney and Sodor were transferred to the newly established Scottish archbishopric.[20]

The foundation of the archiepiscopal see of Nidaros must be regarded as confirmation that the Norwegian kings' process of uniting the kingdom had achieved its goal, and also that the papacy recognized the kingdom as a political unit on a par with other European kingdoms. The unification also reflected the general ecclesiastical development in Europe. The Norwegian historian Narve Bjørgo thinks that it is reasonable to regard the Norwegian kings' North Sea policy around 1150 in the context of the establishment of the ecclesiastical province of Nidaros. The Norwegian kings are said to have displayed a strong

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[18] Nidaros archbishopric has been a neglected field of research, especially the relationship between Nidaros and the overseas bishoprics. The information on the establishment of the Norse ecclesiastical organization and the development of the archbishopric of Nidaros comes from Steinar Imsen, "Nidarosprovinsen", pp. 15–39, in S. Imsen (ed.), *Ecclesia Nidrosiensis 1153–1537*, Senter for middelalderstudier NTNU, Skrifter 15, Trondheim 2003; Jón Viðar Sigurðsson, "Island og Nidaros", ibid., pp. 121–39; Barbara E. Crawford, "The Bishopric of Orkney", pp. 143–58; ibid.; Alex Woolf, "The Diocese of Sudreyar", ibid., pp. 171–82, and Brian Smith, "Archdeacons of Shetland 1195–1567", ibid., pp. 161–69. See also Marit Myking, *Vart Norge kristna frå England? Ein gjennomgang av norsk forskning med utgangspunkt i Absalon Tarangers avhandling Den anglesaksiske kirkes indflytelse paa den norske (1890)*, Senter for studier i vikingtid og middelalder. Skriftserie 1, Oslo 2001; Jón Viðar Sigurðsson, *Det norrøne samfunnet. Vikingen, kongen, erkebiskopen og bonden*, Oslo 2008, and Heidi A.Ø. Beistad, *Kirkens frihet. Biskop Arne Torlaksson som Islands reformator*, unpublished degree thesis in history, Trondheim 2008, which investigates the implementation of Archbishop Jon's programme of reform in Iceland *c.* 1270–1290, and Solrun Hommedal, *Dom og dommere. En undersøkelse av officialembetet i Norge og på Island 1290–1458*, unpublished degree thesis in history, Trondheim 2010, about the official of the bishoprics.

[19] There was one exception, however; Jemtland remained under the archbishopric of Uppsala.

[20] Crawford 2003, pp. 154–55.

commitment to attaining a separate Norwegian ecclesiastical province from the start of the twelfth century, but the question whether the geographical extent of the ecclesiastical province was a result of the king's policy *vis-à-vis* the Norse island communities or if the establishment of the ecclesiastical province was the reason for the king's incorporation policy cannot be answered with certainty—the sources are insufficient for that.[21] Assumptions that the incorporation of the island communities was more forceful because the kings wanted to enjoy as large a domain as the archbishop's cannot be corroborated with the evidence available to us. Nor is it possible to document that the establishment of the archbishopric led to stronger ties between the Norse island communities and the king in the latter half of the twelfth century. The appointment of Norwegians as bishops in Iceland from 1238, on the other hand, must be seen as a stage in the king's policy for that country.[22] From 1238 the Icelandic bishops were elected by the canons in Nidaros, whereas they had formerly been recruited from Icelandic chieftain families.

When it comes to economic ties, we know very little about trade in and between the Norse island communities and Norway before 1100, but trade between the Irish Sea and the North Sea is said to have been important for the rivalry in the area in the tenth and eleventh centuries, and both Icelanders and Norwegians were engaged in shipping between Iceland and Norway at this time.[23] *Óláfs saga helga*

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[21] Bjørgo 1995, p. 30. See *HN*, pp. 184–92 where the philologist Inger Ekrem uses the section in *Historia Norwegie* about the tributary islands to re-date the source to before 1152/53. Ekrem's conclusions assume that it was a *desideratum* of Norwegian ecclesiastical policy that the archbishopric should be established. Her conclusions, however, have been challenged because it is very difficult to find source references to support them, and *Historia Norwegie* is still dated to 1160–75. See Lars Boje Mortensen's comment on Ekrem's hypothesis. (*HN*, pp. 15–24).

[22] See, for example, Jón Viðar Sigurðsson 2003, p. 127, col. 2. On the king's policy *vis-à-vis* Iceland in the 1230s, see ch. 2.

[23] On trade between Norway and the Norse island communities, see Knut Helle, *Bergens bys historie* I. *Kongesete og kjøpstad til 1536*, Oslo 1982, pp. 160–70, 307–10, 348–50, 360–64; Helgi Þorláksson, *Vaðmál og verðlag: Viðskiptum og búskap Íslendinga á 13. og 14. öld*, Reykjavík, 1991, pp. 507–15; Hallvard Magerøy, *Soga om austmenn: Nordmenn som siglde til Island og Grønland i mellomalderen*, Oslo 1993, pp. 30–40; Bjørgo 1995, p. 23; Helgi Þorláksson, "King and Commerce. The Foreign Trade of Iceland in Medieval Times and the Impact of Royal Authority", in S. Imsen (ed.), *The Norwegian Domination and the Norse World c. 1100–c. 1400*, 'Norgesveldet', Occasional Papers No. 1, Trondheim 2010, pp. 149–73; Patricia P. Boulhosa, "Of Fish and Ships in Medieval Iceland", ibid., pp. 175–97.

mentions a Faroese trading ship which sailed to Norway with wool around 1020.[24]

Dependence on supplies from Norway and the Norwegian market for the sale of their goods have been perceived as a major reason why Iceland and the Faroes came under the Norwegian kings' control.[25] Even though it is tricky to prove that destitution led to dependence on Norwegian supplies to the islands—the conclusion to this effect is drawn, among other things, from statements in Icelandic annals from the thirteenth and fourteenth centuries—the extensive trade between Norway and Iceland shows that shipping and commerce were very important for links between the countries, and that this activity in the remainder of the High Middle Ages was completely under the control of the Norwegian king and Norwegian merchants. There was an upswing in Norwegian trading from the twelfth century. At the end of the century merchants from Orkney, Shetland, the Faroes, Greenland, and Iceland are reported to have been in Bergen, which was becoming the staple port for Orkney, Shetland, and the islands in the North Atlantic. From the end of the thirteenth century, the Norwegian kings had a monopoly on trade with the tributary lands.[26] The trading community lasted until about 1400. It did not include Man and the Hebrides, however, which were affected early on by English control of trade in the Irish Sea.[27] From *Grágás*, the combined laws of the Icelandic Commonwealth—preserved in manuscripts from the thirteenth century onwards—we know that trade between Norway and the Norse island communities was regulated by the crown at least from *c*. 1200.[28] The kings granted privileges in trade with Iceland to the archbishopric and could decide whether to impose or waive *landaurar*, a fee that merchants from the islands had to pay when they arrived in

[24] *Óláfs saga helga*, ed. Bjarni Aðalbjarnarson, Heimskringla II (*Hkr* II), Íslenzk fornrit vol. XXVII, Reykjavík 1979 [1945], ch. 135.

[25] Blom 1970, cols. 446–50; Helle 1974, pp. 119–20; Kirsten Hastrup, *Culture and History in Medieval Iceland*, Oxford 1985, pp. 223–28.

[26] Debes 1995, p. 34; Magnús Stefánsson, "Bergen—Islands første hovedstad", in I. Øye (ed.), *Kjøpstad og rikssentrum*, Bergen 1986, pp. 70–87.

[27] See e.g. Davies 1990, pp. 7–9.

[28] On *Grágás* and the dating of its manuscripts, see *Grágás: Lagsafn íslenska þjóðveldisins* (*Grg*), eds. Gunnar Karlsson, Kristján Sveinsson, and Mörður Árnason, Reykjavík 1992, pp. ix–xvii; Jón Viðar Sigurðsson, "Fristatens forfatning: Et symbol for fall?", in A. Eidsfeldt *et al.* (eds.), *Holmgang: Om førmoderne samfunn. Festskrift til Kåre Lunden*, Oslo 2000, pp. 189–204. Cf. below.

Norway.[29] Seeing that the Icelanders escaped having to pay the duty if they had paid it in the Faroes, Orkney, or Shetland, the area seems to have become a single trading zone. Agreement on cargo and berths to Iceland and the other island communities were regulated in the Norwegian urban law code, known as the *Townlaw,* 'Byloven'.

With the one exception of Man and the Hebrides, the historical, cultural, ecclesiastical, and economic bonds were mostly strong between Norway and the future tributary lands. Norway and the islands must have been perceived as a separate cultural sphere, where a shared language, history, ecclesiastical province, and trading zone created a community. Although connections with Norway and the Norwegian king were not equally strong in all the islands, we may nevertheless conclude that the Norse cultural sphere was an essential factor for the continued development of political relations between the overseas communities and the Norwegian king. This is a feature in common with the development, for example, in the British Isles, where the English king, besides colonizing, also established ecclesiastical and economic links with the areas that he would later bring under his control. Yet there is a crucial difference, namely, that there were few, if any, cultural bonds between the majority of the inhabitants of Wales and Ireland and the continental aristocratic culture, represented by the Anglo-Norman crown and the Anglo-Norman aristocracy, and the culture the English settlers brought with them.[30]

The Norwegian kings' policy in the south-west

"West over sea"

According to *Orkneyinga saga*, King Harald Fairhair (*d.* 940/45) conquered Shetland, Orkney, and the Hebrides and attacked the Isle of Man on a punitive expedition against Vikings who used the islands as a base for plundering along the coast of Norway. The king is then said to have established an earldom in Orkney and Shetland, and

[29] Grethe A. Blom, "Handelsavgifter. *Norge*", *KLNM* VI, 1961, cols. 125–27. There is also a statement in *Heimskringla* about how travellers from Iceland had to pay a fee to the earls of Lade (rulers of parts of Norway *c.* 970–1029) in the eleventh century, but this statement may be an anachronistic product of the thirteenth century (*Óláfs saga helga*, ch. 43).

[30] Davies 1987; Given 1990.

thus created the political ties between the Norwegian crown and the earldom.[31]

It is no longer the norm to trust what the saga says about King Harald's expedition, for unlike accounts of later westward expeditions by Norwegian kings, there is no record of this one in Scottish, Irish, Welsh, or English chronicles and annals. Moreover, the source is far from contemporary with the alleged event, and it contains too many anachronisms. It is likely that this and other saga accounts of Norwegian kings' dominance over Orkney, Man, and the Hebrides in the ninth, tenth, and early eleventh century are products of saga writing in the twelfth and thirteenth centuries. Harald Fairhair's expedition appears to have a literary parallel in the saga traditions of King Magnus Barelegs' expedition in 1098 and 1102.[32] Furthermore, there are alternative narratives of the origin of the earldom, and today it is usual to assume that the political structure emerged of its own accord within the framework of Norse culture and under Norse, Irish, and Scottish influence.[33] In the sagas both the Manx-Hebridean kings and the Orkney earls seem to have been independent princes in the period 900 to 1050. It is therefore difficult to believe the sagas when they say that Norwegian kings in the first half of the eleventh century attempted to unite the Norse island communities in the Irish Sea and along the coast of Scotland into a political unit, and that the kings at times enjoyed mastery over much of the area. It was the Orkney earls who best succeeded in achieving that ambition from the end of the tenth century to the middle of the eleventh century.[34] At any rate it is dubious to claim, as some Norwegian historians have done, that the Norwegian kings strengthened their political grasp of the unified Norwegian kingdom on Orkney and Shetland, since there scarcely was a unified Norwegian kingdom in the eleventh century.[35]

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[31] *Os*, ch. 4. According to the saga tradition, King Harald Fairhair mounted a new expedition to Orkney when one of the first earls killed the king's son (*Os*, ch. 8; *Haralds saga ins hárfagra*, ed. Bjarni Aðalbjarnarson, Heimskringla I (*Hkr* I), Íslenzk fornrit vol. XXVI, Reykjavík 1979 [1941], ch. 22, 27, 31).

[32] See Thomson 2001, pp. 24–28, for a survey of the critical views and research on King Harald's expedition and the origin of the earldom.

[33] *HN*, p. 67. See Barbara E. Crawford's hypothesis about Ragnvald Earl of Møre in "Orkney and Caithness, Earldom of", in Michael Lynch (ed.), *The Oxford Companion to Scottish History*, Oxford 2001, pp. 467–70.

[34] *Óláfs saga helga*, ch. 100–103; *Os*, ch. 17.

[35] Bjørgo 1995, p. 25; Andersen 1977, p. 134.

The period from *c.* 1040 to the early twelfth century, according to Norwegian historians, was characterized by an expansive policy on the part of the Norwegian kingdom.[36] At first the attention of the kings was directed towards Denmark and England, where they had hereditary claims. Up until 1065 their involvement in Orkney was confined to military support for rival earls and claimants to the earldom. According to *Orkneyinga saga*, the earl of Orkney went to King Harald Hard-ruler Sigurdsson (1046–1066) in Norway and entered into a friendly relationship with him. The saga, however, does not mention homage, and it cannot be established whether the king's ability to influence who occupied the Orkney earldom was due to his authority by virtue of his overlordship over the area or the earldom.[37]

In 1065 King Harald Hard-ruler claimed the English throne and mounted a campaign against England via Shetland and Orkney. The two joint earls of Orkney, Pål and Erlend, are said to have accompanied the king southwards and taken part in the Battle of Stamford Bridge where the king fell in 1066.[38] King Olav Kyrre Haraldsson (1066–1093) did not follow up Harald's claim to the British Isles, and although he was on good terms with his nephews, the Orkney earls, it is difficult to see that he attached any priority to the islands in the Atlantic and the Irish Sea.

According to *Orkneyinga saga*, the earl's son Håkon Pålsson wanted to secure for himself a part of the earldom. He is said to have asked King Magnus Barelegs for support and simultaneously tried to convince the king of what he could gain from conquering Man and the Hebrides. Håkon brought up Harald Fairhair's expedition and pointed out how easy it would be to plunder in Ireland and Scotland with the Hebrides as a base. Moreover, when the king had secured the area, he could obtain reinforcements from Norway and lead an army against the English to avenge Harald Hard-ruler. King Magnus is said to have allowed himself to be persuaded, and in 1098 he and his navy headed west.[39]

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[36] Andersen 1977, p. 160.

[37] *Os*, ch. 21, 31.

[38] *Os*, ch. 34.

[39] King Magnus's expedition is described in *Magnúss saga berfœtts*, *Hkr* III, ch. 8–11; *Os*, ch. 38–42. In addition to the Norse saga evidence, the expedition is also described in British sources. For views on the background to the expedition, see Andersen 1977, pp. 174–75; Power 1986; Bjørgo 1995, pp. 27–29; McDonald 1997, pp. 34–37 for summaries.

After first having stopped at Orkney on his voyage south, King Magnus harried and plundered his way to the Hebrides and Man. He subdued the islands and captured the son of the king of Man. The area around the Irish Sea was in political turmoil in the eleventh and twelfth centuries, afflicted by unrest between rival royal houses and magnate factions both in Ireland and on the islands. There were also hostilities between Normans and Welsh, and competition for the growing Scottish kingship. The westward expansion of the Norman aristocracy influenced conditions on the islands and the mainland alike, and King Magnus lent his support to King Gryffydd ap Cynan, who had been driven out of Gwynedd by two Norman earls.[40] In 1098 King Magnus reached an accord with King Edgar of Scotland.[41] In this treaty Edgar formally recognized Magnus's claim to the islands west of the coast of Scotland, along with the peninsula of Kintyre on the mainland. Edgar had probably counted this area as belonging to his sphere of interest.[42] Although it can justifiably be claimed that neither Magnus nor Edgar had effective control over the areas they shared between themselves in 1098, information from the twelfth and thirteenth centuries shows that control of the area was ceded to the Norwegian kings.[43] The Scottish king referred to this overlordship when he tried to buy Man and the Hebrides in the mid-thirteenth century, and it was mentioned as a basis for the Norwegian king's lordship in the Treaty of Perth in 1266—the agreement that sanctioned the Norwegian king's cession of Man and the Hebrides to the king of Scotland. Even though the principle of the king's territorial sovereignty was not the foundation for this overlordship, we can draw the conclusion that the islands along the coast of Scotland and in the Irish Sea were nevertheless regarded as the Norwegian king's dominion, and the local kings and earls as his vassals.

The agreement was reached without a single mention of the kings of Man and the Hebrides or the earls of Orkney, so in this light the legal basis for the Norwegian king's lordship over the Hebrides, Man, Orkney, and Shetland was exclusively an agreement between the two

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[40] The information about King Magnus's support for King Gryffydd is found only in *Orkneyinga saga*. See Davies 1987, ch 4 on the Norman expansion into Wales.

[41] *Os*, ch. 41; *Magnúss saga berfœtts*, ch. 10. Orkney and Shetland are not mentioned in connection with the agreement. In the sagas the king of Scotland has become Malcolm instead of Edgar.

[42] McDonald 1997, p. 39.

[43] McDonald 1997, p. 36.

kings. Relations with the local princes, however, were determined by the extent to which King Magnus was capable of exerting actual power in the area. Although it is not explicit from the treaty, it may be that the agreement of 1098 meant that the Norwegian king acquired the authority to install new kings in Man and the Hebrides and a new earl on the islands.[44] But since both the kingdom of Man and the Hebrides and the earldom of Orkney were hereditary, the king's freedom of choice was limited at first, and we shall see later that in practice it was not until 1220 that the Norwegian king gained more direct influence over who ruled Man and the Hebrides. The fact that the earldom was a dual one also tells us something about the earl's scope for action. Although the earls of Orkney paid homage to the Norwegian king and were appointed by him, the Norwegian king did not become lord of Caithness, which belonged to the Scottish king's dominion.

Scope for action or not, Magnus Barelegs' expedition had direct consequences for the Orkney earls. When the king and his fleet came to Orkney on their way to the Irish Sea, he captured the two joint earls and sent them to Norway, where they later died. The earldom was temporarily abolished, and the king put his own son Sigurd in charge of the islands, backed by advisers who were to govern in his name.[45] In 1102 King Magnus headed west again, this time to Ireland, where he became deeply involved in the rivalry between the Irish kings. On this expedition Magnus was killed and his son Sigurd returned to Norway from Orkney to secure the throne. In Orkney the earldom was restored.[46]

Historians have ascribed different motives to King Magnus for his campaigns against the British Isles: from raiding and attempted conquest to a desire to make an impact in English politics in order to establish an Anglo-Norse empire comprising Scotland and Ireland. However, Per Sveaas Andersen and most of today's Norwegian and Scottish historians support Gustav Storm's hypothesis that King Magnus's main aim was to bring the Norse communities in the Irish Sea and along the coast of Scotland under his rule and attach them more firmly to the kingdom of Norway.[47] Most historians also assume

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[44] See Johnsen 1966, pp. 11, 16.

[45] *Os*, ch. 39, 42; *Magnúss saga berfœtts*, ch. 8.

[46] *Magnúss saga berfœtts*, ch. 23–25; *Os*, ch. 43.

[47] See Storm 1882, p. 20; Andersen 1977, pp. 163–67, 175; Bjørgo 1995, pp. 27–29; McDonald 1997, pp. 34–5, 37. See also Power 1986; Rosemary Power, "The Death of Magnus Barelegs", *SHR* 73, 196, 2, 1994, pp. 216–222.

that the Scottish kings' attention was mainly directed southwards to England at this time, and King Magnus was able to take advantage of a temporary power vacuum on the coast of Scotland to establish his overlordship over the area.[48] It cannot be ignored, however, that King Magnus's treatment of Man and the Hebrides was more like a plundering raid, even though he did get directly involved in political matters in the Norse communities. The harrying and pillaging were not confined to the Norse island communities either, and the story in *Orkneyinga saga* gives the impression that Magnus's aim was something more than control of the Norse island communities in the area.

On the basis of the saga accounts, some Norwegian historians have drawn the conclusion that the Norwegian kings wanted to bring as many of the Norse islands as possible under their rule and that the Orkney earls' need for military support from Norwegian kings led to dependence and vassal status at the end of the eleventh century.[49] Historians also tend to assume that there was a keen Norwegian interest in the areas to the south-west at the end of the eleventh century because Norwegian kings wanted to control trade there and take advantage of the local princes' military potential.[50] The information in the sagas, however, leaves no doubt that military intervention and military support for rival earls in return for homage were the only means the Norwegian kings had at their disposal for influencing political development in the earldom. Yet this was not sufficient to limit the earls' independence, or to give the kings lasting influence over internal affairs in the earldom. The only example of motives of power steering Norwegian kings' attitudes to development in and around the British Isles before King Magnus's expedition in 1098 is King Harald Hardruler's campaign against England. We can therefore draw the conclusion that the Norwegian kings' involvement in the west was minimal, with few—if any—consequences for the independent position of the Orkney earls, or for the status of Orkney and Shetland before 1098.

The treaty of 1098 established the Norwegian kings' formal overlordship over the islands in the Irish Sea and along the coast of Scotland. Without the participation of the local princes, the two kings divided the territory between themselves. But even though the treaty of 1098 was to be of formal significance in the relationship between the

[48] Bjørgo 1995, pp. 27–28; McDonald 1997, p. 39.
[49] Andersen 1977, pp. 170–171; Bjørgo 1995, pp. 25–26.
[50] For a summary of these opinions, see Bjørgo 1995, pp. 24–27.

Norwegian and the Scottish crowns, this can hardly be used to argue that Orkney and Shetland became dependencies of Norway and the Norwegian king from the end of the eleventh century, since the lack of royal presence again after 1103 ment in reality complete freedom of action for the earls. The concept of "dependency" is in any case an anachronism in this context. As the term is usually employed by historians, a "mother country" has to receive considerable revenues in the form of taxes and other dues from the dependency, and there has to be a centralized administration to safeguard the interests of the mother country locally. These factors did not exist in the relationship between the Norwegian crown or Norway and the earldom around 1100.

Man and the Hebrides, 1103–c. 1266

After the death of King Magnus in 1103, the Norwegian kings seem to have taken less interest in the area around the Irish Sea, as their focus was more on domestic matters. After the death of King Sigurd Magnusson the Crusader (1103–1130), conflicts for the Norwegian throne began between members of different branches of the Norwegian royal dynasty. The whole period from 1130 to *c.* 1240 is often referred to as the Civil Wars Era, although there were lengthy periods of peace. As a result of the fighting, there were long spells when the Norwegian kings showed no interest in developments outside Norway, although the Orkney earls were directly affected by the hostilities. The power vacuum in the Irish Sea was filled by the local princes and their ambitions at each other's expense.[51] The Norwegian kings nevertheless maintained contact with the local princes, and most historians think that the kings of Man and the Hebrides held the islands on behalf of the Norwegian kings from the latter half of the twelfth century.[52] Moreover, until the end of the twelfth century, the Scottish kings always had their attention directed south towards England and the continent and did not intervene in political developments on and around the west coast of Scotland.[53]

In 1153 King Olav of Man died. According to the Manx Chronicle, Gudrød, Olav's son, was in Norway and paid homage to King Inge Haraldsson (1136–1161) when his father died. Gudrød succeeded his

[51] McDonald 1997, pp. 37–40.
[52] See Bjørgo 1995, p. 30; McDonald 1997, p. 49; Thomson 2001, p. 91.
[53] McDonald 1997, pp. 68–69.

father as king and is said to have been the first Manx-Hebridean king to pay homage to a Norwegian king. The oath of fealty, however, was not taken seriously by King Gudrød, who displayed great independence in his conflict with Somerled MacGillebrigte in Argyll in the 1150s and 1160s. King Gudrød soon clashed with his chieftains, who turned to Somerled and invited him to intervene. Gudrød fled to Norway, but regained the southern part of the kingdom after Somerled was killed by the king of Scotland in 1164. The northern part was divided between Somerled's rival successors.[54] King Gudrød had sworn an oath to a Norwegian king and probably received the islands in fee from him. But even if the Norwegian kings in principle enjoyed overlordship over Man and the Hebrides from 1098, we cannot prove that they had actual authority in the Manx-Hebridean area in the period from 1103 to the 1220s. Nor did the Norwegian kings mount any expeditions to the Irish Sea.[55]

While the Faroes, Iceland, and Greenland were outside the sphere of interest of other kingdoms than Norway, the Norse areas off the coast of Scotland soon noticed the presence of the Scottish king. At the start of the thirteenth century Scotland was a united hereditary monarchy with a political structure like that found at the same time in England. As elsewhere in Europe, the state-formation process here too led to territorial expansion and the incorporation of marginal areas. This process mainly took place from the end of the twelfth century. The kings extended their territory southwards to England, northwards in Ross, Moray, and Caithness and westwards to the coast.[56] Around 1200 the English kings began to pay greater attention to developments in the British Isles. Both Irish kings and Welsh princes had long been the English kings' vassals. The kings of Man and the islands also paid homage to the English king, in part as a consequence of the English king's involvement in conflicts in Ireland.[57] The pressure of Scottish kings on northern England ended in utter humiliation for Scotland in

[54] Beuermann 2002, p. 61. McDonald 1997, p. 67.

[55] See also Andersen 1977, p. 178.

[56] Duncan 1976, pp. 151–66; Frame 1995, pp. 89–97; McDonald 1997, pp. 68–69; R. Bartlett, "The Celtic Lands of the British Isles", in D. Abulafia (ed.), *The New Cambridge Medieval History c. 1198–c. 1300* vol. V, Cambridge 1999, pp. 822–27.

[57] Frame 1995, pp. 44–47. In 1212 King Ragnvald of Man and the Hebrides became King John II's vassal and in 1219 King Henry III's (McDonald 1997, pp. 87–88). King Gudrød is also said to have paid homage to the English king (Beuermann 2002, p. 249, n. 33).

1173. The Scottish king had to pay homage to the English king, and until 1188 Scotland was virtually subject to English overlordship.[58]

Before 1200 Man and the Hebrides had few, if any, formal ties to Scotland. Local power was in the hands of the Manx royal dynasty and Somerled's successors.[59] On the other hand, in the thirteenth century the territories of the local magnates on the west coast of Scotland came under pressure from the king of Scotland and from Scottish magnate families eager to expand their lands. These families were a more integral part of the Scottish monarchy than the magnates in the west. The expansion was supported by royal expeditions against Argyll. Although the Manx-Hebridean kings were able to maintain their independent role throughout the thirteenth century, Scottish pressure and internal rivalry led them to seek support from King Håkon Håkonsson in Norway from the 1220s.[60] Scottish pressure was probably the reason for the renewed interest of the Norwegian kings in the area.

In 1210 the kings of Man and the Hebrides were in Norway to be reconciled with King Inge Bårdsson (1204–1217) and his advisor Earl Håkon Folkvidsson. They paid the outstanding tribute to the king, swearing fealty and allegiance in return for once again holding their lands in fee.[61] In 1224 representatives from the islands were in Bergen to ask King Håkon Håkonsson to give them assistance and settle disputes between them. But it was not until 1228–29, when the internal strife came to an end in Norway, that the king found the time ripe for a military intervention in the south-west. King Håkon fitted out an expedition to support King Olav of Man in 1230, and he also installed a new king over parts of the Hebrides.[62] The expedition, however, did not succeed in doing much more than to show that the Norwegian king was willing to intervene in the islands if necessary.

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[58] The English crown had ample opportunity to become involved in Scottish politics, but it was only after King Alexander III's death in 1286 that it made serious attempts to control the Scottish throne. (Davies 1990, p. 105; Frame 1995, pp. 44–47; McDonald 1997, pp. 68–69; Michael Brown, *The Wars of Scotland 1214–1371*, Edinburgh 2004, ch. 8).

[59] McDonald 1997, pp. 68–71.

[60] McDonald 1997, pp. 88–89; Cowan 1990, p. 114; Brown 2004, ch. 4.

[61] *Sagaen om baglere og birkebeinere* (*Bǫglunga sǫgur*) (*Bs*), transl. G. Pedersen, *Norges kongesagaer* vol. 3, Oslo 1979, p. 340. For a Norse edition of the saga, see *Soga om Birkebeinar og Baglar. Bǫglunga sǫgur* I–II, ed. H. Magerøy, Norrøne tekster vol. 5, Oslo 1988.

[62] *HsH*, ch. 165–67; McDonald 1997, pp. 89–91; Cowan 1990, pp. 114–115; Brown 2004, ch. 4.

Alexander II of Scotland (1214–1249) had the goal of incorporating Man and the Hebrides into the Scottish realm. From the 1230s the increased Scottish pressure meant that the Manx-Hebridean kings found it harder to maintain their independence by showing loyalty to either the Scottish or the Norwegian king. In addition, the local aristocracy on the islands was being increasingly drawn into Scottish society on the mainland.[63] In 1244 Alexander dispatched emissaries to Norway to ask whether King Håkon was willing to give up his overlordship over the islands. The answer was no, and the king of Scotland then tried in vain to buy the islands from Håkon.[64] In 1248 the local princes Ewan MacDougall (Jon Dungadsson) of Argyll and Dugald MacRuairi (Duggal Rudrisson) sailed to Bergen, where they asked Håkon to make them kings of the northern Hebrides. They probably came to Bergen on the occasion of Håkon's coronation. King Harald of Man at that time held the southern Hebrides as part of his kingdom. He married King Håkon's daughter in 1248. With this marriage Håkon was probably trying to re-establish a stable political atmosphere in the Hebrides and increase the influence of the Norwegian crown in the region. Both Ewan and other men from the islands took part in Håkon's battles in Denmark in 1253.[65]

King Harald and the king's daughter perished on the way back to Man. Ewan MacDougall of Argyll, who held most of the northern Hebrides in fee from Håkon, also made an agreement with the Scottish crown. Yet Alexander II perceived Ewan's territory as a threat. When Ewan refused to cede the land he held in fee from King Håkon, Alexander II mounted a campaign to the west, but the Scottish king died before any settlement was reached.[66]

When Alexander III (1249–1286) came of age in 1260–61, the policy of expansion was resumed, first through negotiations, then by force of arms. The islands were once again torn by dynastic strife, and King Alexander used this as an excuse for intervening. The campaign was directed against the territory of the King of Man, and was probably intended to challenge Håkon's authority in the area. Håkon responded

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[63] Duncan 1976, p. 548; McDonald 1997, pp. 96–97.

[64] *HsH*, ch. 245–46.

[65] *HsH*, ch. 259–61. McDonald 1997, p. 99; Cowan 1990, p. 115; Brown 2004, pp. 80–85.

[66] *HsH*, ch. 261. McDonald believes that Ewan was installed in the same area as Uspak in 1230 (McDonald 1997, pp. 99–102). See also Duncan 1976, pp. 554–55.

by leading an expedition westwards in 1263. After the king had intervened in the islands with the support of some local rulers, there were a few encounters between Norwegians and Scots and raids by local magnates loyal to Håkon on the Scottish mainland. Håkon died, however, in Orkney in the winter of 1263 without the conflict having been resolved.[67]

Håkon Håkonsson's campaign shows that the Norwegian crown was incapable of protecting the inhabitants of the Hebrides against Scottish aggression. Håkon's great difficulty was the failure of the local magnates to display loyalty, and especially Ewan of Argyll's reluctance to assist the king's expedition. Since neither the Scottish nor the Norwegian king had previously been able to demand full loyalty from their vassals, it was only now that this became a problem for the princes who were vassals of two lords.[68]

Alexander III invaded the islands and gained control of them in 1265. The king of Man later surrendered. It would take many generations, however, before the king of Scotland had real political control over the Hebrides. Man sought protection from the English king. King Magnus Håkonsson (1263–1280), however, chose a different line from his father's *vis-à-vis* Scotland.[69] Negotiations were initiated, and in 1266 they resulted in the conclusion of peace at Perth. In the Treaty of Perth, Magnus ceded his lordship of Man and the Hebrides to the king of Scotland in return for financial compensation, and Alexander III acknowledged and guaranteed Magnus's rule over Orkney and Shetland.[70]

When the Norwegian king showed a greater desire to intervene in the Norse areas in the Irish Sea at the start of the thirteenth century, it was probably due mainly to increased Scottish pressure. But even if King Håkon was willing to fight to maintain Norwegian overlordship, the odds were against him from the very start. In political and

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[67] *HsH*, ch. 319–31.

[68] McDonald 1997, pp. 115–19. McDonald describes here the choices Ewan and Dugald made. Ewan chose Scotland, whereas both Dugald and his son Eirik chose Norway (*HsH*, ch. 319, 325). See also McDonald 1997, p. 117 on the changes which had the consequence that the Scottish and the Norwegian kings demanded absolute fealty and loyalty from their vassals in the mid-thirteenth century. See also Orning 2008, part II, ch. 2, on King Håkon Håkonsson's demand for absolute loyalty.

[69] Bjørgo 1995, pp. 77–81; McDonald 1997, pp. 115–16 on Man and the Hebrides.

[70] *DN* VIII 9; *NMD*, pp. 110–119 (Norwegian transl.) and on the extant versions of the treaty.

geographical terms, at the least, Man and the Hebrides were probably closer to the Scottish than the Norwegian crown in 1263. In addition, the Norwegian king had not tried to establish a more direct lordship over Man and the Hebrides after 1200. The Norwegian kings had contented themselves with exercising control and overlordship through local vassals and sporadic demonstrations of power. Also, a Norwegian presence probably was not strong enough at the start of the thirteenth century to make it possible, in the long term, to incorporate Man and the Hebrides into the Norwegian realm, even if the outcome of King Håkon's expedition had been different.

Orkney and Shetland, 1103–1195

The Norwegian kings installed the earls in Orkney, and in this way they maintained a certain degree of control over the political situation in the earldom in the twelfth century.[71] Yet although royal overlordship over the earldom had been formalized in 1098 and there was a certain amount of royal involvement, the family of the earl mostly functioned as an independent princely house in the twelfth century. The earldom enjoyed a new golden age under Ragnvald Kolsson (1136–1158), with tax collecting, local organization with good coverage, the canonization of Earl Magnus Erlendsson (*c.* 1105–1115), and the construction of St Magnus Cathedral.[72] Even though the Orkney earls' position as independent princes culminated during the time of Earl Ragnvald, the process did not take place without Norwegian influence and blessing. Ragnvald was originally called Kali Kolsson, the son of a Norwegian *lendr maðr*[73] ('royal vassal') and an Orkney earl's daughter. Kali and his father belonged to the circle around King Sigurd Magnusson the Crusader and had close ties to the aristocracy of western Norway, which would later form the core of the aristocratic faction in the Norwegian power struggles. In 1129 Kali received the title of earl from

[71] See e.g. *Os*, ch. 43, 44 on the installation of the joint earls Håkon Pålsson and Magnus Erlendsson. *Os*, ch. 46–50 on the conflict between the earls Håkon and Magnus, and ch. 63–75 on Pål and Ragnvald.

[72] Thomson 2001, ch. 6, 7.

[73] The *lendir menn* (sg. *lendr maðr*) constituted the top layer of the royal hird. In the twelfth century they were still local magnates attached to the king by oaths of fealty and service. The *lendir menn* were royal vassals and held crown land from the king as a personal fief. They had numerous political, military, legal and administrative tasks. From 1277 the royal vassals were called barons, and they were granted the right to use the title *herra* (Lord, Sir) (Krag 2003, pp. 184–201; Helle 2003, p. 382).

King Sigurd and adopted the more Orcadian-sounding earl's name Ragnvald. However, he did not reach Orkney before 1135, but then both the king and the Norwegian *lendir menn* ('royal vassals') supported Ragnvald in his struggle to establish himself as earl of Orkney.[74] To ensure the backing of the Orkney chieftains, Earl Ragnvald agreed that Harald Maddadsson (1138–1206), the young son of the Earl of Atholl, should be earl along with him. Harald can be regarded as a Scottish candidate, but he and Ragnvald were subsequently joint earls until Ragnvald died in 1158.

King Inge Haraldsson's counsellors, brothers Erling and Ogmund Ormsson, recommended the king to invite Earl Ragnvald to Norway to secure his support at the expense of King Inge's joint kings and rivals in the power struggles. In 1148 both earls went to Norway to King Inge. Here they were probably formally appointed by the king and swore an oath of fealty to him.[75] Earl Ragnvald restored his links with the aristocracy of western Norway, and in 1151 he made a pilgrimage to Jerusalem along with Erling Ormsson and several Norwegian magnates. The government of the earldom was left in the hands of Earl Harald Maddadsson. While Ragnvald was away, one of King Inge's co-kings, Øystein Haraldsson (1142–1157), sailed west with a large fleet. Earl Harald was captured in Caithness, stripped of the earldom, and then reinstated as earl after giving the king three or seven marks of gold and paying homage.[76] The likely purpose of King Øystein's journey was to plunder the west coast of Scotland and England. The demonstration of power to Earl Harald can be viewed in connection with the political situation in Norway and the fact that the earl had previously paid homage to King Inge. The expedition has also been linked to an increased south-western Norwegian orientation, although it is difficult to substantiate that conclusion from the information in the sagas. The cash that the earl paid was probably his tribute as vassal.[77]

After the death of Ragnvald in 1158, Harald established himself as sole earl. Until the 1190s he acted as an independent and ambitious

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[74] *Os*, ch. 42, 58–76, 103.

[75] *Os*, ch. 85. The relationship between Earl Ragnvald and Erling Ormsson is also described in *Haraldssona saga*, *Hkr* III, ch. 17.

[76] *Os*, ch. 85–91; *Haraldssona saga*, ch. 20.

[77] *Os*, ch. 91. See also Bjørgo 1995, p. 30; Thomson 2001, pp. 115–16. On the tribute see Johnsen 1966, p. 6; Imsen 2000, p. 177, and the next section.

territorial prince, with only loose ties to the Norwegian and Scottish kings. However, the latter half of the twelfth century brought a change in the earl's position. Harald had to struggle to preserve an independent earldom in an atmosphere of increased royal authority in both Norway and Scotland. Orkney and Shetland were relatively far away from the core lands of the Scottish realm, and the king of Scotland was not pressing to have Orkney and Shetland brought under his sway, as he did in the case of Man and the Hebrides. Scottish state formation, on the other hand, had direct consequences for Earl Harald's territories on the Scottish mainland. King William I of Scotland took action against the earl when he had become involved in uprisings in Ross and Moray. The earl was also in conflict with the Scottish bishop of Caithness. Heavy fines, loss of land, and humiliation were the result for the earl.[78]

Earl Ragnvald, as we have seen, can be associated with the circle that would later become the so-called *lendir menn's* party in the Norwegian power struggles. Earl Harald's sympathies also seem to have lain in that direction. Sverre Sigurdsson was king of Norway from 1177 (sole king 1184–1202), and in 1192 the son of Sverre's rival, the late King Magnus Erlingsson (1162–1184), was brought first to Shetland and then to Orkney. Earl Harald gave the insurgents a ship, but it is uncertain how great a role he actually played in the rising of the Eyjarskeggjar against King Sverre in 1193. The rebellion was crushed in 1194, and in the following year Earl Harald felt that the safest thing would be to attend a *hirð-stefna*, a meeting of the hird in Bergen in order to ask the king for mercy.

Orkney and Shetland did undoubtedly belong to the Norwegian king's dominion in the twelfth century, but it does not seem as if the Norwegian kings made any attempt to establish a more direct mastery over the earldom; the kings' involvement extended to the appointment of earls and military support against rival earls. Otherwise it was not until the end of the twelfth century that Norwegian kings began to develop administrative instruments that made it possible to exercise more palpable lordship over peripheral areas where they had only limited authority.

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[78] See Barbara E. Crawford, "Norse Earls and Scottish Bishops in Caithness, a Clash of Cultures", in C. Batey *et al.* (eds.) *The Viking Age in Caithness, Orkney and the North Atlantic*, Edinburgh 1993, pp. 134–37; Thomson 2001, pp. 113, 117–120, 122–27 on Earl Harald Maddadsson's conflicts with the Scottish kings.

It is important, however, to stress that the Orkney earldom in the twelfth century was already becoming an anomaly within the Norwegian kings' sphere of interest. Originally, the hereditary earldoms in Norway had been equated with sub-kingship, and the earls were counted as independent princes. The saga authors nevertheless portrayed the earls as dependent princes in a state of formal or real subordination to either Norwegian or Danish kings. The first Norwegian kings had by then largely accepted earldoms as a form of rule in areas where the king still did not have enough authority to govern by himself. Already in the eleventh century, however, there were at most two earls at the same time in Norway. And, whereas the dignity of earl had previously been a tool used by the kings to attach the leading magnates more closely to him, in Norway from the eleventh century it was reserved for members of the royal family.[79]

The Orkney earldom, moreover, differed from those in Norway in that the earls were also earls of Caithness, which they held under the king of Scotland. While it was common in the British Isles and on the continent for the same man to be the vassal of several lords, this divided loyalty would cause problems for the Orkney earls in the thirteenth century.

Royal lordship in the south-west

In a study of the relationship between the Norse island communities and the Norwegian kings, the question of the nature of the kings' lordship over the islands must necessarily receive some attention. Overlordship was the dominant form of "outside rule" in north-west Europe before the thirteenth century. It meant that the king had formalized, indirect lordship or dominion over an area or community, while a local prince ruled on his behalf and exercised direct lordship. Within the framework of overlordship, vassalage and military intervention were the king's most important implements for maintaining control over outlying parts of the kingdom or other spheres of interest.[80]

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[79] The earldoms had probably been regarded as a burden on the national kingdom (Andersen 1977, p. 278).

[80] See e.g. Davies 1990, ch. 5.

Herradómr/*herradœmi*, the Old Norse equivalent to lordship and dominion, rarely occurs in the source material.[81] Despite its virtual absence from the sources, *herredømme*, the modern Norwegian version of the word, is frequently used by medieval historians in Norway, usually as a synonym for *ríki* (rule, realm) and *veldi* (dominion), concepts that are often associated with the king's granting of territories of varying size as fiefs to high-born men in the Early Middle Ages.[82] We also find the term used in German-language medieval research, where *Herrschaft* and *Überherrschaft* is used to designate the king's, or some other lord's, authority over an area.[83] The Old Norse words *herradœmi, ríki*, and *veldi* were not exclusively geographical entities. Like lordship and *Herrschaft*, they also refer to the power and authority that kings and lords exercised over a geographical area and its inhabitants. In Norway kings, dukes, and earls enjoyed *ríki* or *veldi*, whereas royal vassals (*lendir menn*) did not because they lacked princely dignity. This meant in practice that the princes (usually earls) in Norway either had *ríki* by virtue of their personal power base or because it was given to them by the king in the form of delegated royal authority. Royal authority comprised, among other things, full power to collect the crown's revenue in an area, usually in return for a tribute paid to the king. It also meant that the local prince, as the king's representative, exercised direct lordship in the territory and had extensive military duties. To be a princely representative and hold land on behalf of the king, it was essential that the occupant had formalized ties to the king and had sworn fealty to him, becoming the king's liegeman. In this context, overlordship means that the actual government of the territory was exercised by men with princely dignity who were formally subordinate to a king.

Even if the king himself exercised direct lordship over an area, he left the actual ruling of the area to his representatives. This meant in practice that the revenue from the area went to the king, while the king's local representative kept only part of the revenue as payment. The representatives had neither princely dignity nor royal lordship,

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[81] *H*, p. 135 and in the judgement of the Council of the Realm in the dispute between the king and the sons of Havtore about Borgarsysla in 1347 (*NgL* IV, p. 377).

[82] *NgL* V, *Glossarium*, p. 284 (*herradómr*/*herradœmi*), 322–23 (*ríki*), 701 (*veldi*). Ebbe Hertzberg, *Lén og veizla i Norges sagatid*, Göttingen, 1893, pp. 287, 296–303.

[83] See e.g. Njåstad 2003, pp. 12–14 on "Herrschaft".

although they could also hold their territories or administrative districts in fee from the king.[84] Whether the king's lordship was indirect or direct can be used as a yardstick for how much actual authority the Norwegian kings had over a territory, and how far the state-formation process had come.

Even though it may be argued that King Magnus Barelegs of Norway and King Edgar of Scotland did not have any permanent authority over the areas they formally divided between themselves in the 1098 treaty, sources from the twelfth and thirteenth centuries show that the Norwegian kings were regarded as having a form of lordship over the islands in the Irish Sea and along the coast of Scotland.[85] What kind of lordship did the Norwegian king have in the south-west in the twelfth century and—importantly—what did it mean in practice?

The Norwegian king had authority to appoint new kings of Man and the Hebrides and new earls in Orkney.[86] To explain the conditions for this territorial lordship, we must bring in the Norse settlement, the development of a Norse cultural sphere, and the cultural, political and especially the historical links between the Norse island communities and the Norwegian crown.

Territorial lordship meant that the local princes gradually became perceived as holding the islands in fee from the king of Norway. This can be documented as regards the local kings and the earls, but to obtain further clarity as to whether the local princes held their dominions in fee from the king from the middle of the twelfth century, I would like to consider two factors: "vassalage" and "tribute".

Vassalage usually refers to the relationship between the king and his liegemen in a Norwegian context. It involved adoption into service by a hand-clasping ceremony, an oath of fealty, and mutual obligations of protection.[87] Some Orkney earls had become liegemen of the Norwegian kings even before 1100, but from the mid-twelfth century

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[84] On fiefs and the question of whether earls and sheriffs held fiefs in Norway, see Hertzberg 1893, pp. 307–11 and Mikal Lie, *Lensprincipet i Norden*, Kristiania 1907, p. 33.

[85] For example, King Alexander III referred to this lordship when he tried to buy Man and the Hebrides, and it was mentioned as the basis for the lordship of the Norwegian king in the Treaty of Perth.

[86] See e.g. Johnsen 1966, pp. 11, 16.

[87] Hertzberg 1893, p. 325. See *H*, ch. 19 for a description of the ceremony.

on, all earls were the Norwegian kings' liegemen.[88] The king of Man and the Hebrides first swore allegiance to a Norwegian king in 1152. Also, Gudrød Olavsson probably became a liegeman of King Magnus Erlingsson in 1164.[89] After that, no Manx-Hebridean king swore allegiance to the king again until 1210, but in the period 1220 to 1263 ties were close between King Håkon and the kings of these islands.

Vassalage and the formal subordination of the local rulers to the Norwegian kings characterized relations between the Norwegian kings and the local rulers in the Irish Sea and Orkney from the middle of the twelfth century. But did the kings and the earls hold the islands in fee?

The most important information about the kings' revenues before 1200 comes from *Historia Norwegie*, where the author mentions Man, the Hebrides, Orkney, Shetland, the Faroes, and Iceland as tributary islands, and informs us that the Norwegian kings received tribute from the Hebrides, Orkney, and the Faroes.

The Norwegian historian Arne Odd Johnsen shows that the tribute mentioned in *Historia Norwegie* and Robert de Torigni's *Chronica* refers to the dues rendered by the Manx-Hebridean kings as vassals, and not to a regular tax paid by the islands' inhabitants. This tribute was most probably paid at royal accessions in Norway, to renew existing bonds of vassalage and to fulfil old obligations. Johnsen believes that the Orkney earls also paid tribute to the kings in the twelfth century, a view shared by Steinar Imsen. The regular revenues from the islands went, with few exceptions, to the local rulers.[90] The payment of tribute shows that the local rulers in the southwest formally held the islands in fee from the Norwegian kings. In addition, there are more examples in Johnsen's article to support the conclusion that the Manx-Hebridean kings formally held the islands in fee from the Norwegian kings from 1152.[91] The Norwegian king thus had the ability to control

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[88] In 1148 Earl Ragnvald and Earl Harald probably became liegemen of King Inge, and in 1151 Earl Harald also had to pay homage to King Inge's co-regent Øystein Haraldsson.

[89] Johnsen 1966, pp. 9–11; Beuermann 2002, p. 61.

[90] Johnsen 1966, pp. 4–11, 17. Johnsen also thinks that the ransom Earl Harald Maddadsson paid to King Øystein in 1151 could be a kind of tribute, not least because it was linked to the earl's homage to the king. See Imsen 2000, p. 177 on the Orkney earls.

[91] Johnsen's conclusion requires that one follows Hertzberg and includes wording such as *ríki, veldi, forráða, setja yfir, skipa land*, etc., Old Norse terms indicating fiefs and/or presupposing or resulting in fiefs (Hertzberg 1893, pp. 287–88, 294). An

who exercised direct lordship of Orkney and Shetland and to some extent of Man and the Hebrides. However, since both the kingdom of Man and the Hebrides and the Orkney earldom were hereditary, the king's freedom of choice was limited, and it was only after 1220 that the Norwegian king gained more direct influence over who ruled Man and the Hebrides.

The Faroes, Greenland and Iceland

According to saga tradition, the Norwegian kings completed a process by bringing the Faroese under the crown during the reign of Magnus the Good Olavsson (1035–1047), when a Faroese received the islands in fee from the king. The process is said to have begun in the days of Håkon Sigurdsson, earl of Lade at the end of the tenth century, and was continued by kings Olav Tryggvason (995–1000) and Olav Haraldsson the Holy (1015–28). Under Norwegian pressure, the Faroese decided at the General Assembly in Tórshavn to accept Christianity and pay tax to the Norwegian king.[92] Faroese historian Hans Jacob Debes rejects this statement about a fief as an anachronism from the thirteenth century.[93] It may be suggested that the claim that the Faroese consented to pay tax to King Olav the Holy was nothing but a product of the later need to create historical legitimacy for royal lordship over the islands. It is likely that no form of royal lordship was established in the Faroes in the eleventh century.

Olav the Holy is also said to have wanted to bring Iceland under the rule of the king. An emissary of King Olav announced the king's desire to become king of Iceland and receive tax from the country at the General Assembly. The Icelandic chieftains, however, were not interested, nor did they go to Norway as the king asked them to, probably for fear of being kept there. The Icelanders who visited Norway on behalf of their chieftains were instead retained in Norway as hostages, with the exception of one who was sent to Iceland to proclaim the

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example is Earl Harald's ransom payment in 1151, another is the record in Robert de Torigni's *Chronica* that King Gudrød Olavsson held Man and the islands from the Norwegian king (Johnson 1966, p. 5–6). Robert de Torigni's *Chronica* is printed in *Chronicles of the Reigns of Stephen, Henry II and Richard I (Robert de Torigni's Chronica)* IV, ed. from a manuscript by Richard Hewlett, Wiesbaden 1964 [London 1884–89].

[92] *Færeyinga saga*, ch. 28–35. See also *Óláfs saga helga*, ch. 58, 124–29, 135–36, 142–43.

[93] Debes 1995, pp. 34–35.

king's wish that the Icelanders should accept his law and pay *þegngildi* and *nefgildi*.[94] The king's proposal was supposed to be perceived as a threat, but the Icelanders still refused.

The saga account may be read as an analogy to King Håkon Håkonsson's policy *vis-à-vis* the Icelanders from the mid 1230s, when he worked to gain their consent to pay tax and accept the king as their lord. Snorri Sturluson, the author of *Heimskringla*, which contains the sagas of Olav Tryggvason and Olav Haraldsson, had first-hand knowledge of the king's policy.[95] As in the case of Olav Haraldsson's alleged policy for the other island communities, it is difficult to trust accounts that may to a great extent originate in the thirteenth century.

King Olav Haraldsson is also associated with a set of provisions in thirteenth-century manuscripts of *Grágás*. These regulate the rights of Icelanders in Norway and the rights of Norwegian merchants and the king in Iceland, as well as other matters that can be regarded as a result of close trading connections and Icelanders sojourning in Norway. The provisions are known as the Icelanders' agreement with King Olav the Holy, but they cannot automatically be traced back to the eleventh century.[96] Even though the provisions concern the mutual rights and obligations of Icelanders and the Norwegian king, they can hardly be used as arguments that the Norwegian kings had any form of lordship over Iceland, as Patricia P. Boulhosa indirectly claims.[97] Apart from the alleged pressure under King Olav, which the Icelanders resisted, there is no evidence of any form of royal policy or pressure *vis-à-vis* Iceland in the eleventh century. But the provisions show that there were very close ties and frequent connections between Norwegians and Icelanders.

The provisions were probably important for the many Icelanders who were in the service of Norwegian kings and earls, as priests, poets, and hirdmen (ON *hirðmenn*, ordinary members of the hird without rank or title).[98] The classical Icelandic hirdman had been driven from

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[94] *Þegngildi* was the compensation paid to the king for the killing of a freeman and *nefgildi* a form of poll tax, literally "nose tax". See Halvard Bjørkvik "Skatter. *Norge*", *KLNM* XV, 1970, cols. 424–35.

[95] See ch. 2.

[96] *Grg*, pp. 479–80. Jón Jóhannesson 1956, pp. 134–42; Boulhosa 2005, pp. 43–45.

[97] Boulhosa 2005, pp. 85–86.

[98] Sg. *hirðmaðr*. Examples of Icelanders serving as *hirðmenn* in the tenth and eleventh centuries: *Óláfs saga helga*, ch. 182, 209; *Haralds saga Sigurðarsonar*, *Hkr* III, ch. 9; *Prestsaga Guðmundar góða*, *Sts* I, ch. 1–2, *Haukdæla þáttr*, *Sts* I, ch. 4. Icelanders

the country by his enemies and returned with honour after a splendid career abroad, where he had saved the life of a Norwegian king or an earl. The hird and the liegemen described in sagas such as *Egils saga* and *Njáls saga* are modelled on the royal hird as it was in the High Middle Ages, the period when the saga writers lived. Their descriptions nevertheless show the importance of hird service for people in Iceland, and how interested Icelanders in general were in what their fellow countrymen did abroad. A career in the hird of a Norwegian king or earl or in the service of Orkney earls was an opportunity for adventure and heroic status for young Icelanders who had run into problems at home.[99]

From about 1100 to 1220, there was no special royal policy towards the Icelanders and Greenlanders, and the Norwegian kings exerted no form of lordship over Iceland and Greenland before the 1260s. Nor did the Norwegian kings have any revenue from there, except for the *landaurar* that Icelanders had to pay on arrival in Norway, and what the kings may have earned from commerce. The king's revenues and the inhabitants' payment of tax to the king were then the central issue when King Håkon Håkonsson formalized his lordship over Iceland in 1262–64. There were, however, close ties between Icelandic and Norwegian society, and the political and administrative structure of Iceland was affected by the development of kingship in Norway. The concentration of power in Iceland and the close connections of the Icelanders with the retinues of Norwegian kings and earls probably had the consequence that Norwegian political organization and ideology made themselves felt in Iceland from the twelfth century. In the twelfth and early thirteenth century, Icelandic-born liegemen were involved in the various factions in the Norwegian power struggles.[100]

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also served in the Orkney earls' hird (*Brennu-Njáls saga*, ed. Einar Ól. Sveinsson, Íslenzk fornrit vol. XII, Reykjavík 1954, ch. 83–90, 153–58).

[99] *Egils saga Skalla-Grímssonar*, ed. Sigurðut Nordal, Íslenzk fornrit vol. II, Reykjavík 1933. Wærdahl 2007.

[100] E.g., *Haraldssona saga*, ch. 5; *Hákonar saga herðibreiðs*, *Hkr* III, ch. 312; *Prestsaga Guðmundar góða*, ch. 1–2, *Haukdæla þáttr*, ch. 4. It is striking that the Icelanders consistently found themselves on the side of King Sverre Sigurdsson's opponents; in 1158 Þorvarðr Þorgeirsson, at the age of eighteen, went to Norway where he became King Inge Haraldsson's hirdman. Þorvarðr returned to Iceland after Inge's fall and declared that he would not serve any other king after Inge. Þorvarðr asked his brother Ari not to join the faction that had brought down King Inge, but to join the group that would probably rise in Viken (the Oslofjord area) to avenge Inge, and thus to take Þorvarðr's place (*Prestsaga Guðmundar góða*, ch. 1).

They functioned exactly like Norwegian-born liegemen, and most of them were ordinary hirdmen. Very few Icelanders had high rank or offices in the hird, and no Icelandic-born liegemen performed missions or assignments for the king in Iceland before 1220. The homage of the Icelandic liegemen did not give the Norwegian kings any form of lordship over Iceland. No Icelandic chieftain became a royal liegeman, although members of the chieftain aristocracy were represented in the retinues of Norwegian kings and earls.[101]

The Icelandic chieftains used the Norwegian king's apparatus and methods as a model for the government of their own lordship. This meant, among other things, building up the institution of retainers (*fylgðarmenn*), which was virtually identical to the hird. Like the Norwegian kings, the most powerful chieftains used trusted men to maintain and exercise their power locally, and the chieftains had retainers who probably swore allegiance to them from the first half of the thirteenth century.[102]

Although bonds between Iceland and Norway in many areas were stronger than between Norway and the other island communities, the Norwegian king's lordship did not extend to Iceland in the twelfth century. Nor does it seem as if the kings wanted to establish any such lordship over the country at this time. Because of the lack of lordship, the Norwegian kings had no means by which to exert power in Iceland when conflict broke out between Norwegian merchants and Icelanders in southern Iceland in 1218. There were no men or institutions to safeguard the interests of the king or the Norwegians in the country. There can be no doubt, however, that the conditions for establishing royal lordship over Iceland existed, and that a further consolidation of the territories within the Norwegian king's sphere of interest would most likely also comprise Iceland.

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[101] E.g. Þorvarðr and Ari Þorgeirsson (*Prestsaga Guðmundar góða*, ch. 1–2; *Sts* II, 40th genealogy (gen.) Ætt Þorgeirs Hallasonar) and Gizurr Hallsson (*Haukdæla þáttr*, ch. 4; *Sts* II, 7th gen. Haukdælir). The genealogies are the family trees (*ættskrár*) in *Sturlunga saga* II, eds. Jón Jóhannesson *et al.*, Reykjavík 1946. In addition I use information about genealogy from the following works: *Íslenzkar æviskrár* (*ÍÆ*) I–V, ed. Páll Eggert Ólason, Reykjavík 1948–52; Einar Bjarnason, *Íslenzkir ættstuðlar*, Reykjavík 1969, Jón Jóhannesson, *Íslendinga saga* I–II, Reykjavík 1956 and 1958, and Jón Þorkelsson (ed.), *Íslenzkar ártíðaskrár eða Obituaria Islandica* (*ÍÁ*), Kaupmannahöfn 1893–96.

[102] Jón Viðar Sigurðsson 1999, pp. 76–77; Jón Viðar Sigurðsson, *Frá goðorðum til ríkja. Þróun goðavalds á 12. og 13. öld*, Reykjavík 1989, pp. 111–12; Jón Viðar Sigurðsson *et al.* 2005, pp. 174–77.

Like Iceland and Orkney, Greenland, according to saga tradition, became Christian on the initiative of King Olav Tryggvason.[103] Although Olav Haraldsson is said by the sagas to have taken an interest in Greenland, there is no record of him having exerted the same pressure there as he is supposed to have exerted in the Faroes and Iceland.

In the case of the Faroes, it seems as if tax payment and the presence of a *sýslumaðr* or 'sheriff', a royal official safeguarding the king's interests locally, had become a reality in the 1170s.[104] According to *Historia Norwegie*, the Norwegian kings received tribute from the Faroes at set times.[105] In Orkney, Man, and the Hebrides, on the other hand, the tribute can be associated with the dues owed by the local princes for their fiefs. Around 1175, according to *Sverris saga*, a man known as Kalv the emissary held the king's *sýslur* (sg. *sýsla*) in the Faroes. A *sýsla* referred to the sheriff's fixed administrative district, his fief (ON *lén*) that he held on behalf of the king, and his office or sheriffdom.[106] In 1247 King Håkon Håkonsson sent men to Iceland and Greenland to get the inhabitants to agree to pay tax and submit to the king's lordship. In this connection there is no mention of Orkney, Shetland, or the Faroes. Since the Norwegian king exercised direct lordship over Orkney and Shetland at this time, it is probable that the position of the Faroes was more like that of Orkney and Shetland than that of Iceland and Greenland.[107] Hans Jacob Debes assumes that the establishment of the ecclesiastical province of Nidaros had the result that the Faroes became liable to pay tax to the king of Norway, but he does not deny that the Faroes could have been incorporated into the Norwegian political system early in the twelfth century, before the establishment of the archbishopric in Nidaros.[108] It is not possible, however, to substantiate this claim from the source material. Debes

[103] *Óláfs saga Tryggvasonar*, *Hkr* I, ch. 86, 96.
[104] See ch. 4 about the development of the shrieval organization.
[105] *HN*, pp. 12–14, 65–75. On the significance of tribute and broader meaning of tax, see Johnsen 1966, pp. 9–10; *HN*, p. 192.
[106] *Sverris saga* (*Svs*), ed. Þorleifur Hauksson, Íslenzk fornrit vol. XXX, Réykjavík 2007, ch. 1. The dating to *c.* 1175 is based on the information in the saga text and the year that Sverre Sigurdsson came to Norway (1176). See ch. 4 for an overview of the king's local administrative apparatus.
[107] See ch. 3.
[108] Debes 1995, pp. 36 and 38.

does not mention the reference to Kalv the emissary, although he thinks that the Faroese might have paid tax to the king at this time.

The information about Kalv cannot be checked against any other evidence. It can be used, however, to argue that King Magnus Erlingsson had established a form of direct lordship or rule in the Faroes parallel to the establishment of the institution of sheriff in Norway. This agrees well with the information in *Historia Norwegie* about the Faroes as a Norwegian tributary land. This account is dated to the period 1160–75, mostly within the reign of Magnus Erlingsson, when the first sheriffs or *sýslumenn* appeared in Norway.[109] We therefore cannot rule out the possibility that the king had other types of revenue from the Faroes than tribute from a royal vassal; moreover, it does not seem as if any royal vassal held the Faroes in fee from the king. The presence of a royal sheriff in the Faroes also foreshadows the incorporation process that characterizes the relationship between the Norwegian crown and the Norse island communities from the end of the twelfth century to 1262–64. However, in the case of Iceland there were other forms of political dominance and influence than lordship and direct intervention in local government.

Conclusion

The Viking Age expansion created a cultural, economic, and ecclesiastical sphere and laid the foundation for connections between the Norse island communities and Norway, and for the interest that Norwegian kings took in the area. It was probably this community that Adam of Bremen had in mind when he wrote around 1070 that almost all the important islands outside Norway were now subject to the Norwegians.[110] For Adam the world of the northmen was the land of the Norwegians.

Whereas Man and the southern Hebrides came under the early influence of Gaelic and later Irish and Scottish culture, Norse culture held its own in Orkney, Shetland, Iceland, Greenland and the Faroes. Besides a shared language and history, the cultural community also comprised the establishment of a trading community with Bergen as

[109] *HN*, p. 24. See ch. 4 on the development of a royal administrative apparatus in Norway.

[110] *AB*, IV, ch. xxxv (34).

its centre. In addition to the ties to Norway, there were links with the Irish mainland, the English kings, and the emerging royal power of Scotland. This challenge to Norse culture and Norwegian kingship was not only found in the Irish Sea, but also in Orkney and Shetland. It was so weak, however, that it did not have serious consequences until the Late Middle Ages. In Iceland, Greenland, and the Faroes there was no challenger to Norse culture, and especially in Iceland the cultural and political bonds with Norway and the Norwegian king were intertwined.

Despite the historical connections and the attempt of the saga tradition to establish a historical royal lordship over the island communities along the coast of Scotland and in the Irish Sea from the end of the ninth century, the Norwegian kings showed only sporadic interest in the area before 1098. Neither in principle nor in practice did the Norwegian kings have any kind of lordship over the island communities. The limited interest they did show rarely had any restraining effect on the independence of the local princes. The local Norse rulers strove to expand and consolidate their own realms. In the eleventh century they operated in a geographical area that was still outside the sphere of interest of the nearby monarchies in England, Scotland, and Norway, whose attention was mostly directed further to the south and east. Before 1098 the Norwegian kings had neither the will nor the ability to give this sphere any great attention. They were occupied with the unification process in Norway and the opportunities offered by the disintegration of the Danish North Sea Empire. The attempts to assemble the Norse island communities in the south-west into a political unit in the tenth and eleventh centuries took place without the direct participation of Norwegian kings. Furthermore, is it not possible to see that the king had any kind of formalized lordship over Orkney, Shetland, the Hebrides, and Man around 1065–66, when Norwegian historians think they can detect a westward turn in the Norwegian kings' foreign policy. It seems that it was only after the kings were forced to give up Denmark and the territories in England that the Norwegian kings' territorial ambitions moved northwards and westwards in the British Isles, at least for a while. Apart from support for rival Orkney earls who sporadically approached Norwegian kings, the direct physical presence of the kings was the only way to exert influence on the earldom and the earls.

The Norse island communities were nevertheless within the Norwegian kings' sphere of interest. From 1098 onwards the Norwegian

kings had a form of lordship in the Irish Sea and along the coast of Scotland. The practical political expression of this lordship in the twelfth century, and in the case of Man and the Hebrides until 1266, was overlordship. Direct lordship was in the hands of the local princes who paid tribute to the Norwegian king in return for a fief with its title and dignity. This royal lordship imposed very few limitations on the local princes. It looks as if the most important factor in the intensification of the Norwegian king's involvement in the south-west was internal stability in Norway for, with the exception of the conflict between Earl Harald Maddadsson and King Sverre in the 1190s, it was not until the Norwegian Civil Wars were succeeded by long periods of peace in the first half of the thirteenth century that we see the outlines of major royal involvement in the south-west, including an attempt at intensification of lordship in Man and the Hebrides. Before that time the king's intervention in local matters in the islands was decidedly *ad hoc*, coming in the form of pure demonstrations of power, involvement in succession disputes, or support for local kings and earls.

The core of the overlordship was the local rulers' formalized ties to the kings and the kings' ability to profit from these ties. This form of lordship gave the Norwegian kings no great revenue or authority over the islands. Any local taxes and dues went to the local ruler, not to the king. The local rulers had direct lordship and hence also exercised the day-to-day government of the area. A principle based on the delegation of direct rule to powerful local representatives was also followed in Norway from the start of the unification of the kingdom in the Viking Age until the kings found other solutions for maintaining their control over the country. Vassalage is chiefly visible after 1150 in the south-west, and it did not seem to have any consequences for the position of the local princes in their realms until after 1195. But even if the Orkney earls and the Manx-Hebridean kings were vassals of the Norwegian king, in practice they mainly functioned as independent princes, even after the 1150s. The formalized ties were loose, and were often the result of a concrete situation, such as a desire to provide support against rivals or the king of Scotland, or a result of a demonstration of Norwegian power. In the middle of the twelfth century the Norwegian crown had not yet developed the administrative instruments that enabled it to exercise any direct government in the west. The only way Norwegian kings could exert more direct influence and control over conditions in the Irish Sea and the Atlantic islands was through personal presence and/or military intervention, as in the case

of the military expeditions that were initiated, and finally led, by King Håkon Håkonsson in the period 1228 to 1263. Without royal presence, the king's influence in the Irish Sea quickly diminished. From 1098 to 1263 no Norwegian king ever set foot on Man or the Hebrides, while Orkney had just one visit, from Øystein Haraldsson in 1151. On the occasions when Norwegian kings had the ability and will to become actively involved, the practical consequences of the local rulers' subordination were intensified. The result was temporarily reduced freedom of political action for the local princes, and a development that led in the long term to the establishment of direct royal lordship. It was not until the last decades of the twelfth century that the king began to establish an apparatus for local administration in Norway. At the same time, the Norwegian kings began to demand ever-increasing loyalty from their vassals. In this situation the dual loyalties of the Orkney earls and the Manx-Hebridean kings entailed both challenges and opportunities. The local rulers and magnates found themselves with divided loyalties when relations between the Scottish and the Norwegian king led to conflict from the 1220s. King Håkon, for example, was dependent on support from the local Hebridean magnates in 1263, and some of these magnates used their dual loyalties to put pressure on their overlords in Norway and Scotland.

If we ignore saga tradition, it is not possible to demonstrate any form of royal policy or strategy for Iceland and Greenland before the 1220s. We note, however, that the Norwegian kings must have intended to have some kind of rights over the Norse communities, although it is difficult to discern this from the saga authors' perception in the thirteenth century. When it comes to the Faroes, however, the situation was different. These islands seem to have acquired a royal sheriff at the same time as King Magnus Erlingsson was expanding the sheriff institution in Norway. This can be regarded as a portent of the intensification of royal lordship that would take place in all Norse communities in the thirteenth century.

Early in the thirteenth century, not only was the Norwegian kings' lordship in the Irish Sea and along the coast of Scotland intensified, but the crown seems already to have established more direct lordship over the Faroes. As a result, the Faroes, Shetland, Orkney, Man, and the Hebrides had a formalized relationship with the Norwegian king, which gave them a different status *vis-à-vis* the kingdom than Iceland and Greenland. I therefore think that it is justified to call Man, the Hebrides, Shetland, Orkney, and the Faroes "the original tributary

lands". In this case, the designation should not be linked to the king's revenue from the island communities, but should be regarded as evidence that they, in both formal and real terms, had a different status from Greenland and Iceland from about 1100 until the 1260s. King Magnus Barelegs' alleged territorial lordship in the south-west can therefore be considered the starting point for an incorporation process that ended with the tributary lands—except Man and the Hebrides—becoming integral parts of the Norwegian realm. The new system involved more than vassalage, demonstrations of military power, and the payment of tribute. But if the Norwegian kings were to have the same rights and revenues from the Norse island communities as they gradually acquired in Norway, some important factors were still lacking. Some of these factors came about in the period 1195–1264, when the incorporation process gained momentum.

CHAPTER TWO

THE NORWEGIAN KING'S TRIBUTARY LANDS

In the period from the 1170s until 1264, the Norwegian kings established direct rule over the Faroes, Shetland, Orkney, Iceland, and Greenland, which go together under the term "tributary lands" (*skattland*) in the sources from the 1260s on. We shall now look more closely at how this establishment took place and view it in connection with the development in Norway.

Both the change in the status of Orkney and Shetland after 1195 and the establishment of the king's lordship in Iceland have previously been examined in detail. I will make considerable use of the results of this research in my study, but my primary aim is to focus on the following problem. What was the significance of the relationship between the king and the Orkney earls and between the king and the Icelandic chieftains for the establishment of direct royal lordship?

In addition to developments in power politics, we shall also examine whether the king established a judicial foundation for direct lordship or if it was exclusively based on the existing overlordship as regards the original tributary lands. But first let us take a closer look at the term "tributary land".

The designation "tributary land"

There are several definitions of the Old Norse word *skattland*: "Land that pays tax to a foreign prince or realm […] especially about the lands that lay outside Norway proper but belonged to the Norwegian Empire", "Land with an obligation to pay tax to the ruler of another land; about the Norwegian tributary lands", or "Land obliged to pay tribute to the crown of Norway", including "all the old outlying Norwegian areas in the west".[1]

[1] Johan Fritzner, "skattland" in *Ordbog over Det gamle norske Sprog* (*Ob*), III, 1954 [Kristiania 1867], p. 294; Ebbe Hertzberg, "skattland", *NgL* V, *Glossarium*, 1895, pp. 562–63; Blom 1970. (Quotations translated from Norwegian by Alan Crozier).

If we discount the corresponding Latin expression *insula tributaria* in *Historia Norwegie*, the term *skattland* first occurs in the written sources in *Hákonar saga Hákonarsonar* from 1264–65. Here we read that the Norwegian earl Skule Bårdsson received all of the tributary lands as part of his earldom in 1217.[2] In other sagas, however, the term is absent.[3] *Skattland* is most frequent in the normative sources starting in the 1270s, when it is used as an umbrella term for the Norse island communities to the west and south-west of Norway which belonged to the king's realm. Conforming with this, public documents around 1300 refer to "The realm of Norway's king and his tributary lands". For the rest of the fourteenth century the word *skattland* is employed, with few exceptions, only in diplomas regulating trade in the king's realm.[4] The term *skattland* was probably coined in the thirteenth century in the milieu of the national kings. It was originally used in politico-legal contexts, for in the thirteenth and fourteenth centuries the kings did not use the word to refer to individual tributary lands. On the other hand, we have examples showing that representatives of the tributary lands used the term about their own lands.[5] From the fifteenth century the king's person moves more into the background in connection with the tributary lands, which are termed "Norway and her tributary

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[2] *HsH*, ch. 22, "[…] at Skula Jarli uar iattaðr þriðiungr af Noregi ok aullum skattlondum." *Hákonar saga Hákonarsonar* is dated to 1264–65 (*Håkon Håkonssons saga* (*HsH* 1979), Noregs kongesoger vol. 4, transl. and ed. F. Hødnebø and H. Magerøy, Oslo 1979, p. 8).

[3] The term is not used in *Heimskringla*, *Sverris saga, Bǫglunga sǫgur*, *Sturlunga saga*, or in the fragment of *Magnus Lagabøtes saga* (*MLs*).

[4] *Magnus Lagabøtes landslov* (*ML*): *NgL* II, p. 4 (1274) and *NgL* III, p. 3, n. 13; *Byloven: NgL* II, p. 4 and *NgL* III, p. 3; *Jónsbók* (*Jb*), ed. Már Jónsson, Reykjavík 2004, p. 91 and *H*, p. 81. "Skattland" is found, for instance, in the following amendments: *NgL* III, 53/*DI* II 176 [1302–1313]; *DI* II 522 (1348), III 150 (1361), 315 (1383). The term also occurs in many amendments and royal letters about trade from the fifteenth and sixteenth centuries, e.g. *DI* III 643; IV 380, 687, V 115. See also *DN* VII 100 (1323) where the proclamation about the government of the kingdom concerns "framleidis vm allt rikit; Norege oc sua skattlondom", and *DN* III 477 (1388), where the issuers of the charter electing Queen Margrete address "ollum monnum ifuir ændalangan Noregh oc þæs skatlandæn". Interestingly, there is no Latin version of the term in the source material apart from "insula tributaria" in *HN*. The lands are instead listed separately by name (*DI* III 643, IV 578). The "tribute" in *HN* probably refers to the fee paid by a vassal, not to tax (Johnsen 1966; Andersen 1991; Imsen 2000). In the Icelandic annals the term is used in connection with the coronation of King Erik of Pomerania (*IA*, p. 418 (1391)). In 1495 the term occurs for the first time in a non-dispositive diploma (*DI* VII 315). In the sixteenth century the Icelanders used the word *skattland* in petitions to the king (*DI* VIII 348, 540).

[5] *DI* VIII 348, 540.

lands" ("Noregh oc þæs skatlandæn"), for example in the demand of the Norwegian Council of the Realm for the redemption of Orkney and Shetland—pawned to Scotland by the Danish king in 1468–69—at the accession of new kings in 1483, 1512, and 1524.[6]

The obligation to pay tribute and submit politically to the king of Norway has thus been a central feature of historians' definitions of *skattland* and what gave a territory the status of tributary land. The question of status tends to be linked to the time when the kings first received tribute from the area. Yet it was not just tribute and submission that characterized the status of a tributary land, even though, in the case of Iceland for instance, it is visible as a marker of the transition from the *þjóðveldi* or Free State to a part of the king's realm. In this study of the incorporation process we shall also look at other factors that can be said to typify *skattland* status.

King and earl, 1195–1267

The settlement of 1195 and the consequences for the Orkney earl

Earl Harald Maddadsson supported the failed rising of the Eyjarskeggjar against King Sverre Sigurdsson at the start of the 1190s.[7] Both Orkney and Shetland men took part in the rebellion. After it was quashed in 1194, King Sverre is said to have contemplated sending an army to punish the Orcadians. Earl Harald, the local bishop, and the leading men in Orkney forestalled him, however, by coming to Bergen in the summer of 1195. At a meeting of the hird, the king accused Harald of treachery because he had supported the Eyjarskeggjar. The earl took all the blame, defended himself, and begged the king for mercy. He was forgiven, after which the king dictated an agreement. This was written down along with a list of the farms and properties in Orkney and

[6] *DN* III 477. The term *skattland* was still in use, however, as an umbrella term for the lands. Separately, too, the tributary lands are described as belonging to the crown of Norway; In 1505 the Norwegian Council of the realm stripped the Icelandic governor of his office of governing "the land of His Grace [the king] and the crown of Norway, Iceland". In 1507 King Kristian ruled that all amendments issued by King Håkon V should also apply to "lands lying under the crown of Norway along with Iceland, Shetland, and the Faroes" (*Norges gamle Love. Anden Række 1388–1604* (*NgL* 2. r) vol. II, eds. O. A. Johnsen *et al.*, Oslo 1914, nos. 178, 194). See also, *NgL*, 2. r. II, no. 186, § 2 (1483), *NgL*, 2. r. IV, Oslo 1995, no. 32, § 66 (1512), 218, § 35 (1524).

[7] On the rising of the Eyjarskeggjar and the subsequent settlement, see *Svs*, ch. 118–20, 124–25, *Os*, ch. 112.

Shetland which the king confiscated from those rebels who had fallen in the battle of Florvåg. The crown was now established with a royal sheriff in Orkney and later also with local liegemen. The earldom of Orkney was nevertheless to continue. Shetland in its entirety, on the other hand, was placed under royal administration and detached from the earldom.

Chapter 10 in *Hirðskrá*, the law code regulating the rights and duties of the royal hird from the 1270s, deals specifically with earldoms in the tributary lands. It is clear that the 1195 settlement was the foundation for relations between the kingdom of Norway and the earl of Orkney until 1267, when an agreement was reached between King Magnus Håkonsson and Earl Magnus Gilbertsson (1256–1273). In addition, we may safely assume that the general rules about earls, as recorded in chapters 9, 11, and 12 of *Hirðskrá*, were also to apply to the earls of the tributary lands.[8] But before we look more closely at the consequences of the 1195 settlement, it is necessary to say something about the Norwegian kings' earls and earldoms in Norway in general from the end of the twelfth century until *c*. 1260. The provisions in *Hirðskrá* serve as a good point of departure here. Although *Hirðskrá* in its preserved form is ascribed to King Magnus, there is reason to believe that these regulations—in part at any rate—are of older origin, and can be traced back at least to King Håkon Håkonsson's time.[9]

In *Hirðskrá* the earls come immediately after the king, the king's sons, and dukes in rank, and like them they enjoy princely dignity. Unlike royal vassals and other liegemen further down the hierarchy of the hird, an earl was granted almost regal lordship over his earldom. He was also entitled to have his own hird. This lordship thus gave the earls full right to govern their earldom. This meant that the earl was entitled to all the revenue from the earldom and that the earl's own organization attended to both the king's and the earl's interests. The earls were the king's powerful deputies. They had far-reaching military obligations in the defence of the earldom and of Norway, and they were obliged to take part in expeditions when the king commanded.

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[8] Wærdahl 1998, p. 92.

[9] In his examination of Earl Harald's submission to King Sverre Sigurdsson in 1195, Hans Jacob Orning assumes that the king accused the earl of disloyalty in accordance with Norwegian law (Orning 2008, p. 165). It is not very likely that Norwegian law applied in Orkney around 1200, but as the Norwegian king's earl and liegeman, Earl Harald was probably subject to the rules about earls in the hird law. See ch. 3.

But the dignity of earl also carried restrictions. The earls only had limited right of disposal of the resources of the king and the earldom. An earl could not leave the country without the king's permission or have contacts with chieftains, i.e. magnates, with whom the king was on hostile terms. The *Hirðskrá* also has a section about disloyal earls and the procedure for dealing with them.[10] Before 1195, these rules were not all relevant to the Orkney earldom, as the king had no revenue from it. This, however, was to change.

Hans Jacob Orning investigates Earl Harald's submission to King Sverre in his analysis of Norwegian kings' exercise of power in the High Middle Ages.[11] Like Orkney historian William P. L. Thomson, Orning regards Harald's behaviour as an expression of the time of transition in which the earls found themselves. Like the other magnates in the realm, the earl was confronted with the king's demand for absolute loyalty—constant in time and place—which made it totally impossible to support anyone other than the king.[12] Earl Harald faced the same challenge in his relationship to the king of Scotland.

Orning points out that initially there was no difference between the king's relationship to magnates in the tributary lands and to magnates in Norway. In King Sverre's time, for example, all magnates were given quarter and settlements by the king after uprisings. As a rule they were also granted favourable terms, with one exception: Earl Harald was treated with unusual severity.[13] The harsh conditions that King Sverre imposed on Earl Harald are the reason why the year 1195 has been perceived as a turning point in the history of Orkney and Shetland. The settlement tends to be regarded as the end of a virtually independent earldom with only loose formal ties to the Norwegian kingdom.[14] In addition, Earl Harald's disloyalty to King William I of Scotland had the consequence that the king of Scotland tightened his grip on Caithness.

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[10] *H*, ch. 11–12.
[11] Orning 2008, part II, ch. 2.
[12] Thomson 2001, p. 113; Orning 2008, 178–80.
[13] Orning 2008, pp. 191, 226–27.
[14] Crawford 1971, p. 144; Imsen 2000, pp. 163–169; William L. P. Thomson sums up Earl Harald's problem as follows: "The problem which Harald had to face was the growth of royal power in Scotland and Norway, both endeavouring to extend their control into peripheral areas, and to convert the loose ties of the saga-period into a more binding feudal relationship" (Thomson 2001, p. 113).

Earl Harald, as he himself stressed in 1195, had been in trouble with his overlords before. Previous confrontations with Norwegian kings, however, had not had such serious consequences, and no earl of Orkney before him had entered a settlement with a Norwegian king. In 1151 it had been sufficient to pay tribute and swear the oath of fealty to King Øystein Haraldsson in order to be reinstated as earl, but in 1195 the king demanded more. According to *Sverris saga*, the king drew up a letter of settlement, which has not been preserved. *Sverris saga* cites just a few points and *Orkneyinga saga* even fewer. There may thus have been elements in the settlement of which we are unaware. King Sverre took Shetland from the earl's domain and placed it directly under the crown, with all taxes and dues. The Shetlanders subsequently had to deal directly with the king and his representatives. The earl got Orkney back in return for paying the king half of his revenue from fines, the *sakeyrir*.[15] Moreover, the king sent a sheriff to Orkney to manage his interests.

Although the earls probably sympathized with the *lendir menn's* party in the Norwegian civil wars, no previous earl had supported an open uprising against a Norwegian king. The closest example of similar disloyalty is Earl Harald's backing of Scottish rebels, which also had serious consequences for him. In form and content, then, the settlement of 1195 is chiefly the king's punishment for Earl Harald's disloyalty, but since we have no examples of other magnates being punished as harshly by the king, it is necessary to find an explanation for King Sverre's reaction. One of the suggestions put forward by Hans Jacob Orning is that the peripheral location of Orkney in relation to the centre of the kingdom may be an explanation, and that the king could therefore choose another strategy than he might have employed in Norway. Over the earl of Orkney he asserted a strict, coercive lordship, whereas elsewhere he preferred a more reciprocal and voluntary lordship. The confrontation between King Sverre and Earl Harald is also the only one studied by Orning where friendship does not appear to have been the result. The meeting between king and earl ended with

[15] The sagas do not agree about how large a share of the fines should go to the king. In *Sverris saga* the king takes half the fines and none of the rents (*Svs*, ch. 125). *Orkneyinga saga* says nothing about the king's revenue from Orkney, but that all Shetland's dues and taxes went to the king, and that the Orkney earls had not held Shetland since 1195 (*Os*, ch. 112). In *Bǫglunga sǫgur*, on the other hand, we read that all fines and taxes from both Orkney and Shetland went to the king (*Bs*, pp. 338–39). I choose to rely on the statement in *Sverris saga*.

the earl submitting to the king, not with a promise of mutual friendship and an exchange of gifts.[16] And since Earl Harald was probably much less of a threat to the king than Norwegian magnates such as Bishop Nikolas Arnesson and Jon Hallkjellsson, Sverre could punish Harald severely without fear of jeopardizing his royal power. In 1198 the earl also reached a settlement with the king of Scotland, whereby he lost half his earldom of Caithness.[17]

Otherwise there are no examples of the earls in Norway having their powers reduced under King Sverre. Thus, Sverre's treatment of Earl Harald was unique. The existence of special rules for earls of the tributary lands in *Hirðskrá* also underlines the fact that the Orkney earls in principle had a different relationship to the king than earls in Norway.

There is another side to the 1195 settlement. In the middle of the twelfth century, overlordship with delegation of royal authority to a deputy was the only way to maintain a form of control over the marginal areas of the realm when the king himself could not be present. This had also been the case in Norway before the expansion of the kings' political-administrative organization started at the end of the twelfth century. The power struggles forced a reorganization to maintain control of and gain revenue from territories made subject to the king. An organization was created in which men attained status and power by serving the king, rather than merely through a local power base. The expansion of the shrieval organization was in progress under King Magnus Erlingsson, and was continued by King Sverre.[18] In 1195 King Sverre had the sheriff as a new instrument to control the earl and safeguard his own interests in Orkney and Shetland. The king's interests chiefly comprised a share of the earl's revenue from Orkney, and all the revenue from Shetland.

The saga tradition and Lord Henry Sinclair's accounts from 1492 and 1500 give us some insight into the kind of income the earls had from the earldom in 1195.[19] The oldest economic foundation of the

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[16] Orning 2008, pp. 226–27, 216.
[17] Crawford 1971, pp. 72, 77.
[18] See ch. 4.
[19] For extensive accounts of the earl's and the king's revenue from Orkney, see Hugh Marwick, *Orkney Farm-Names*, Kirkwall 1952, pp. 191–223; Crawford 1971, pp. 193–194; Andersen 1991; Imsen 1994, pp. 258–59; William P. L. Thomson, *Lord Henry Sinclair's 1492 Rental of Orkney*, Kirkwall 1996; Imsen 2000, pp. 176–78; Thomson 2001, ch. 5, 15.

earldom seems to have consisted of *veizla*, the earl's right to be entertained by his subjects, and the rents paid by tenants of the earl's estates. The accounts from 1492 and 1500 show that there were two types of property: estates that went with the title of earl, and the earl's private possessions. The former type, which became available to the earl on his appointment, reverted to the king when the earl died. They were thus granted in fief to the earl, and the earl received the rents from them. The earldom's estates consisted of different types of land; "bordland" was the biggest and most remunerative landed property that accompanied the dignity of earl. Up to the start of the thirteenth century these large 'mensal' estates consisted of a dozen strategically placed manors. These estates were administrative centres which tended to be occupied by the earl himself or his magnates. Like manors in Norway, the bordland was exempt from tax. It is uncertain how large a percentage of all land was bordland, but most of it was presumably split up and rented to tenants during the thirteenth century. In addition to bordland there was a category of land that goes under the name "auld earldom" in the accounts. This was not exempt from tax, but it was still a part of the earldom's property that reverted to the king when the earl died. The earls also had private estates, known as "conquest lands". These were properties that an earl had bought, inherited, or received as gifts during his lifetime. They did not go back to the king when the earl died, but were inherited by the earl's family. Around the year 1500 this amounted to approximately twelve per cent of the land, roughly the same size as the earldom's property before it was transferred to the king of Scotland in 1470.

There were many different kinds of taxes in Orkney around 1500, and the question of the origin and age of the local taxation and land-assessment system has been—and still is—a major problem in historical research into Orkney.[20] It was once common to date the advanced land-assessment system, with the units *eyrisland* (ounceland) and *peningsland* (pennyland), to the tenth or the eleventh century. It was also common to date the annual taxes we know from the High and Late Middle Ages that far back in time. Per Sveaas Andersen, on the

[20] Imsen 2000, p. 176. See Thomson 2001, pp. 208–15 on tax in Orkney, and on the discussion of whether or not Orkney was subject to the naval levy. See Thomson 2001, p. ch. 5, where he comments on earlier research, including Clouston and Steiness, p. 162, p. 170, and ch. 15 on the earl's and the king's properties, as well as on taxation and landholding in Orkney during the Norse period.

other hand, believes that regular annual taxation was first established at the end of the twelfth century or early in the thirteenth century. Andersen's main argument is that the old earldom was hardly capable of establishing such a complex and sophisticated tax system as the one we find in Orkney in the Late Middle Ages, and that it is unlikely that the Orcadians would have introduced annual taxation before it became common in the rest of north-west Europe. He associates the land-assessment system of the Orkney and Shetland type with the establishment of a more advanced and centralized administration.[21] The same arguments could also be said to apply to revenue from fines. Indeed, Steinar Imsen uses Andersen's arguments to draw the conclusion that regular annual taxation must be regarded as a result of the state-formation process in the thirteenth century, and that it was most probably a product of the kingdom.[22]

Steinar Imsen believes that the "taxes and dues" mentioned in connection with Shetland in the 1195 settlement were paid in kind—butter, malt, or the like—which had originally been part of the Orkney and Shetland inhabitants' contribution to the earldom. In Norway, fines, which are not mentioned in *Orkneyinga saga* but are in *Sverris saga* in connection with the 1195 settlement, were a result of the state-formation process, probably introduced to Shetland and Orkney in 1195, when the earl was granted the right to half of the revenue from fines.[23] Before 1195 all income from the earldom went to the earl; the king only received his vassal's tribute. This was presumably paid as a lump sum when a new earl was appointed.[24] After 1195, however, it seems as if the king received half of the income from the local fines. It is only *Bǫglunga sǫgur* that mentions tax from Orkney, and as we shall see later, all tax revenue probably went to the king in the High and Late Middle Ages.

Moreover, the king had crown estates in Orkney, from which the sheriff or his agents were responsible for collecting rents. It is perfectly possible that the crown estates originated with King Sverre's confiscation in 1195 of properties belonging to the Eyjarskeggjar. We do not know, however, how much this amounted to. J. S. Clouston calculated that it was about twenty per cent of the land in Orkney, whereas

[21] Andersen 1991.
[22] Imsen 2000, pp. 177–78.
[23] Ibid.
[24] Johnsen 1966, pp. 18–19; Crawford 1971, p. 192; Imsen 2000, 177–78.

Thomson believed that it could not have amounted to a large area by the end of the Middle Ages. In the course of the fifteenth century this was incorporated into the other property of the earldom and accompanied it when it came under the Scottish crown.[25]

The presence of a royal sheriff doubtless threatened the earl's position and diminished his role as royal representative. A situation arose in Orkney with two parallel organizations representing the king in the earldom independently of each other, one looking after the king's interests, the other safeguarding the earl's interests as well as the king's.

At first, the settlement of 1195 did not lead to a lasting change in the earl's position and function, or to greater subordination. Earl Harald Maddadsson exploited the weakening of the crown after King Sverre's death in 1202. The sheriff was killed, Shetland was regained, and the Orkney earls maintained an independent role until 1209, when the order from 1195 was restored.[26]

Full powers of government or a permanent reduction in the earl's position?

We know very little about the political and administrative development of Orkney and Shetland from 1195 to 1267. It is not possible, for example, to ascertain whether half of the income from the fines still went to the king, because the king's revenue from Orkney is not mentioned in the sources again until after 1300. Recent research on placenames, however, shows that the crown may have established a system of royal administrative centres in Orkney, and that the names *Houseby* and *Harray* (*herað*) that we find in the islands today are remains of a royal administrative organization that may have been introduced after 1195 (or 1098–1102). The *húsabýr* farms may originally have belonged to Orcadians whose property was confiscated after the rising of the Eyjarskeggjar.[27] In Iceland we see that Håkon Håkonsson confiscated Snorri Sturluson's estate in the 1240s, and Bessastaðir, which was one the biggest farms, later became the seat of the king's governor

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[25] Thomson 2001, pp. 162, 222–28.

[26] *Bs*, pp. 338–39.

[27] Barbara E. Crawford, "Houseby, Harray and Knarston in the West Mainland of Orkney: Toponymic Indicators of Administrative Authority?", in P. Gammeltoft and B. Jørgensen (eds.) *Names through the Looking Glass: Festschrift in Honour of Gillian Fellows-Jensen*, Copenhagen 2006, pp. 21–44.

in Iceland. However, there are no *húsabýr* farms in Iceland or in the other tributary lands.

The prevailing perception has long been that earls with full authority continued to function as the king's representatives, exercising direct lordship in Orkney on behalf of the crown.[28] Because of the lack of sources it is impossible to say with certainty what role the earls had in the earldom. Even if we bring in what we think we know about the earls' links with Scotland and the political and administrative development in Norway, any conclusion about the earls' position in the period must be regarded as tentative.

Earl Harald's sons, the joint earls Jon and David, found it best to enter into a settlement, pay fines, and swear fealty to King Inge Bårdsson in 1210.[29] The 1210 settlement was a consequence of the peace that arose in Norway after a settlement between King Inge and his rivals in 1208.[30] *Bǫglunga sǫgur* tells how new royal sheriffs were sent to Orkney and Shetland even before the earls were reconciled with the king. They sent the bishop of Orkney to Norway to ask King Inge and his advisor Earl Håkon Folkvidsson for a settlement. And after the bishop had received the necessary guarantees, the earls and the bishop came to Bergen in 1210. Like their father, Jon and David also left it to the king and Earl Håkon to settle their case. They had to give security and hostages, pay a fine, and swear fealty and allegiance. After this, they were put in charge of Orkney and Shetland, on terms of which we do not know the details. But there is little doubt that it was essentially the situation after the settlement of 1195 that was restored. Shetland was not given back to the earldom, and had its own sheriff in 1223.[31]

The kings of Man and the Hebrides were also reconciled with King Inge and Earl Håkon. After having paid the outstanding tribute to the king, they swore fealty and allegiance and once again received their

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[28] Crawford 1971, pp. 155–62, 178–85, 195; Imsen 2000, p. 175.

[29] *Bs*, pp. 339–40.

[30] *Bs*, pp. 327–33, 338.

[31] The sources give different information about Shetland in this connection. *Orkneyinga saga* says that the Orkney earls had not held Shetland after 1195 (ch. 112). In *Bǫglunga sǫgur*, however, Earl Harald is said to have taken Shetland back in 1202 and King Inge placed Jon and David, Harald's sons, over both Orkney and Shetland (pp. 339–40). However, King Sverre's son-in-law, the *lendr maðr* Gregorius kik Halldorsson, was sheriff of Shetland in 1223 (*HsH*, ch. 86; *HsH* 1979, p. 91; *Sverres saga* (*Svs* 1979), transl. Dag Gundersen and ed. H. Magerøy *et al.*, Norges kongesoger vol. 3, Oslo 1979, p. 222.

lands as fiefs from the king.[32] There are great differences between the settlements that the earls of Orkney and the kings of Man and the Hebrides entered with the king and the earl in Norway. No sheriffs were sent to Man and the Hebrides. And while the Orkney earls had to pay fines and give security and hostages, it was sufficient for the Manx-Hebridean kings to pay the outstanding tribute and swear fealty.[33] Moreover, the Orkney earls were conditionally reinstated. These differences confirm that King Inge still had only indirect lordship over Man and the Hebrides, a lordship maintained through oaths of fealty, tribute, and enfeoffment. The position of the Orkney earls in the earldom had become different to what they had shared with the kings further south in the twelfth century. The crown maintained a hard line with the earls, and the political-administrative reorganization in Norway also comprised Orkney and Shetland. The original tributary lands were thus divided into two groups in the period 1195–1210.

Jon was sole earl after the death of David in 1214. In 1224 Earl Jon came to Norway and settled his differences with the king, according to *Hákonar saga Hákonarsonar*. The earl left his son as a hostage with the king.[34] The background to the settlement of 1224 is not explicitly described in the saga. Barbara E. Crawford assumes that Earl Jon may have had links with King Håkon's opponents in Norway, chiefly Earl Skule Bårdsson, and the meagre information in the saga does not allow any other reasonable explanation.[35] In 1217 Earl Skule had sent a letter to Earl Jon with the king's seal, but without the knowledge of the king or his counsellors. The letter was intercepted by the king's men and never reached the earl of Orkney. We do not know what it contained, because the reactions of the men close to King Håkon were concerned with how Skule had used the royal seal without informing the king. The context in the saga makes it clear that the king's men suspected Earl Skule of conspiring with his friends against the king, among whom the earl of Orkney was evidently numbered. The letter may also be connected with the division of King Inge Bårdsson's realm after his death between his brother Earl Skule and King Håkon. In 1217 Skule acquired lordship over a third of Norway and all of the tributary lands. The division was primarily a territorial demarcation for collecting the

[32] *Bs*, p. 340.
[33] See also Johnsen 1966, p. 10; Crawford 1971, p. 154.
[34] *HsH*, ch. 101.
[35] Crawford 1971, pp. 156–57.

king's and the earl's revenue, but it also meant that Earl Skule gained control of the appointment of sheriffs in the tributary lands.[36]

In 1223 the earl of Orkney, together with the bishop of Orkney and the sheriff of Shetland, attended a national assembly (Norw. *riksmøte*) in Bergen where the subject of discussion was the division of the realm between the king and Earl Skule.[37] At this meeting the points of dispute were numerous between the king's men on the one hand and Earl Skule's men on the other. Although the king did not enter any kind of settlement with any of the earl's supporters at the national assembly, this meeting might have provided the background to the settlement with Earl Jon the following year.[38] The gravity of the situation is underlined by the fact that the Orkney earl's son was left behind in Norway as a hostage after the settlement. In 1226 the earl of Orkney was in Bergen again together with several men from the west. The king then settled his dealings with them in consultation with Earl Skule. In 1228 the earl of Orkney and king Håkon exchanged gifts, and in 1230 the earl of Orkney assisted the king of Man with ships in his endeavour to maintain his position in the islands.[39] The description of the exchange of gifts with king Håkon may also suggest that relations between King Håkon and the earl of Orkney had not been without friction, and that the establishment of direct lordship after 1195 did not take place without resistance from the earls. This is confirmed by events in Orkney in 1231.

In 1231 Hånev the Young was the king's sheriff in Orkney. He belonged to the local chieftain aristocracy, and he held the rank of *skutilsveinn* within the royal hird. Like the *lendir menn*, the *skutilsveinar* (pl.) belonged to the hird's top stratum, although they were outranked by the *lendir menn*. Hånev had several guests staying with him—amongst them his brothers and Olve *ilt-eitt*, a ship's captain and royal liegemen, who had remained in Orkney after the Norwegian-backed expedition by the king of Man in 1230—and a large armed

[36] *HsH*, ch. 22; Grethe A. Blom, *Samkongedømme—enekongedømme—Håkon Magnussons hertugdømme*, Trondheim 1972, p. 20. It was probably Skule who appointed King Sverre's son-in-law as sheriff of Shetland some time before 1223.

[37] *HsH*, ch. 86. On the national assembly in 1223, see Helle 1972, part II, 238.

[38] In the same year several representatives from the Hebrides were also with the king, in order to present their needs to him. This is said to be connected with the general political climate in the Irish Sea area and increased Scottish pressure (McDonald 1997, pp. 88–89).

[39] *HsH*, ch. 11, 86, 101, 147, 162, 166.

retinue. One of Earl Jon's kinsmen, Snækoll Gunnesson, demanded some property that he thought belonged to his branch of the earl's family. Snækoll turned to Hånev and his brothers for support. And when Hånev and his men met the earl and his retinue at Thurso in Caithness, a heavy bout of drinking ended with the killing of Earl Jon by Snækoll, Olve *ilt-eitt*, and several of Hånev's men. The earl's friends and Hånev's kinsmen negotiated a truce, and agreed that the matter should be settled by King Håkon. In summer 1232 the parties went to Bergen in a group comprised of most of the Orkney magnates. The murder was settled at a meeting of the hird. Four men, among them Olve *ilt-eitt*, were beheaded. With the aid of the *skutilsveinar*, Hånev, Snækoll, and all the representatives of the chieftain aristocracy escaped having to atone for the murder. Hånev and Snækoll then headed north with Earl Skule. After some time in the service of the earl, Hånev was allowed by the king to return home and died on his way back to Orkney. Snækoll stayed with both Earl Skule and King Håkon for a long time. He was also one of Skule's sheriffs during the rising of the so-called Várbelgir in 1239.[40] It should also be mentioned that many of the Orkney chieftains, and among them several of Earl Jon's kinsmen, perished on the way back to Orkney in 1232. The title of earl therefore passed by inheritance to a Scottish branch of the dynasty, the Angus family.[41]

Hånev the Young and his supporters belonged to the Orkney aristocracy, which traditionally had close ties to the earl's family. Like the earls, King Håkon evidently relied on the support of the local aristocracy in Orkney. And in 1231 both the earl of Orkney and the king had liegemen in the islands. The saga's account shows that both King Håkon and Earl Skule were well informed about the Orkney aristocracy.[42] Both Skule's and Håkon's policies may have helped to split the Orkney chieftains. The killing of Earl Jon also shows the problems the king could encounter by using officials with local connections in Orkney. The sheriff and his retinue thus functioned independently of and in direct conflict with the earl and his men. Direct royal rule did not work without friction in an earldom with a tradition of autonomous earls.

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[40] *HsH*, ch. 168–79. On the rivalry between the different branches of the Orkney earl dynasty, see Crawford 1971, pp. 158–59.

[41] *HsH*, ch. 173; Thomson 2001, pp. 134–37.

[42] *HsH*, ch. 168–73.

Barbara E. Crawford believes that the problematic relationship of Earls Jon and David to the Norwegian kings was the reason why there was a sheriff in Orkney in 1209/10 and 1231. Crawford suggests that in normal circumstances the earls may have acquired full rights to govern Orkney after 1231, and points out that nothing is said about royal sheriffs in Orkney apart from the years 1209–10 and 1231.[43] The fact that the sources do not mention royal sheriffs or other royal representatives in Orkney between 1210 and 1231 or between 1231 and 1264 does not necessarily mean that Orkney was not governed by them. We actually know very little about the government of Orkney under King Håkon Håkonsson, but from what we know about the strength of government in Norway under King Håkon and his active policies *vis-à-vis* the tributary lands and Iceland, there must nevertheless be grounds for assuming that he did not relax his control over the earldom, particularly because the king probably received large revenues from the earldom after 1195.[44]

There were two types of earls in Norway in the thirteenth century. There were earls of the realm, who in some periods had been the real rulers of the kingdom, as in the case of Skule Bårdsson, and there were earls who functioned as royal deputies in territorially demarcated parts of the kingdom.[45] The earls usually belonged to the royal family, and they were given a limited area for their maintenance, either because they were too powerful to be ignored, or as a reward. From the end of the twelfth century until the death of Earl Knut Håkonsson in 1261, the earls in Norway proper ruled their earldoms by themselves, with no intervention from the king.[46] The king did not have sheriffs in the earldoms. And even though the earls in Norway did not find their status reduced either formally or in practice as the Orkney earls did, it is evident from the chapters in the *Hirðskrá* about domestic earldoms that a division of lordship between king and earl was perceived as disadvantageous both for the crown and for the people.[47] Based on Grethe A. Blom's conclusions about the Norwegian earls in the High Middle Ages, we may believe that the position of the Orkney earls,

[43] Crawford 1971, 178–85.
[44] See also Imsen 2000, p. 175.
[45] Blom 1972, pp. 25, 28.
[46] There were exceptions, but they are mostly to do with the relations between King Håkon and Earl Skule and their men (Blom 1972, pp. 22–23).
[47] *H*, ch. 9. See also Imsen 2000, pp. 166–68 on the earls in Norway.

both as regards the king and within the earldom, was weaker than that of the Norwegian earls after 1210. I would once again bring in Hans Jacob Orning's conclusion that the Norwegian magnates could be a potential threat to the king. This is visible not least in the relationship between King Håkon and Earl Skule. Skule had to be placated because he and his Norwegian supporters had such a strong power base within Norway that they were a real menace to the king. This was not the case with the earl of Orkney, in 1195, 1210, or 1224. Admittedly, the earl of Orkney could form an alliance with Skule against the king, but on his own he was no threat to King Håkon, and therefore could be held in check by methods other than those required for the magnates in Norway.

Earl Magnus Gilbertsson's disloyalty and the settlement of 1267

The earl of Orkney had two overlords, and hence double bonds of loyalty and military obligations, to both the Scottish and the Norwegian king. Predictably enough, this loyalty became a problem when conflict arose between King Alexander III of Scotland and King Håkon Håkonsson in 1263. Relations between Earl Magnus Gilbertsson and King Håkon seem to have been good at first: when King Håkon assembled the navy to move against the Scots, the earl of Orkney was present in Bergen. On the way south he stopped in Orkney to get the islanders ready for the campaign. The plan was that he would follow the king southwards along the coast of Scotland.[48] But the earl did not follow King Håkon. He did not take part in the fighting between the kings, but seems instead to have sought refuge in Scotland. When the Norwegians feared an attack on Orkney in 1264, the defence of the islands was undertaken by a Norwegian. Nor was Earl Magnus present when the peace treaty was signed in Perth in 1266. In the following year the earl and King Magnus Håkonsson were reconciled in Bergen. According to *Hirðskrá*, the stipulations in the 1267 settlement supplemented those from 1195.[49]

Earl Magnus's vanishing act and the settlement of 1267 have necessarily led to speculation. Most historians assume that he went to Scotland and thereby broke his oath of loyalty to King Håkon. Others, however, argue that there need not have been anything so dramatic

[48] *HsH*, ch. 319–28.
[49] *MLs*, p. 353; *H*, ch. 10.

behind it, and that it may have been accepted that the earl stayed out of a conflict between his two overlords.[50]

Both King Håkon and King Alexander III probably demanded absolute loyalty from their vassals in 1263.[51] The earl of Orkney thus ended up in a conflict of loyalty. Earl Magnus had come to Bergen in accordance with his duty to his Norwegian lord. If the earl's absence had been approved by King Håkon, he probably would not have come to Norway in 1263. Moreover, the expansionist Scottish king represented a real threat to Orkney in the wake of King Håkon's death in 1263.[52]

The earl's absence in 1263, his sojourn in Scotland in the 1260s, and the settlement of 1267 support the conclusion that there was serious disloyalty to King Håkon. For the fourth time in less than seventy years, an earl of Orkney had to reach a settlement with a Norwegian king. Even though King Magnus probably had a milder temper than his father, it is doubtful whether the additional clauses (orig. ON "flærium æinka malom") agreed in 1267 strengthened the position of the Orkney earl. If anything, the earl's position was further weakened, and it is difficult to believe that he subsequently enjoyed full right to govern his earldom.[53]

By 1267 the state-formation process had come a long way in Norway. The administrative reorganization had been implemented most fully at the local level, and the country was divided into about fifty sheriffdoms. Both Shetland and the Faroes were governed by sheriffs, and royal lordship had been established over Greenland and Iceland. In addition, the king had revenue from Orkney. This was collected by a royal sheriff both in 1195 and, as we shall see later, in the fourteenth century. As long as the king received tax, fines, and rents from Orkney, it seems unlikely that King Magnus would have given the earl of Orkney full right of government in the earldom and left the collection of the king's revenue to him, as Barbara E. Crawford claims.[54] Since the king received tax from Orkney, we cannot compare the position of the Orkney earl with that of the earls in Norway. The Norwegian earls kept the revenue from the earldom for themselves. The tax payments

[50] Crawford 1971, pp. 163–65; Imsen 2000, pp. 168–69.
[51] McDonald 1997, p. 117; Orning 2008, part II, ch. 2.
[52] *MLs*, p. 353.
[53] *H*, ch. 10. See also Imsen 2000, p. 175.
[54] See *Svs*, ch. 125 on the confiscations, and Crawford 1971, pp. 148, 183–85, 190–208 on the earldom's revenues and who received them. For a more detailed account of the king's and the earl's properties and revenues in Orkney, see ch 7.

seem rather to suggest a parallel to the situation in Iceland from 1258 to 1268, when Gizurr Þorvaldsson held parts of the country as earl, but the king nevertheless received taxes from his earldom.[55]

The judicial foundation for the king's direct lordship over Orkney and Shetland

It is impossible to draw conclusions about developments in Orkney and Shetland after 1195 without considering the fact that the Norwegian kings had enjoyed overlordship of the islands long before Earl Harald's submission. The settlement of 1195 confirms that the king's lordship over the islands must have been territorial and not exclusively a result of the formalized bonds between king and earl. King Sverre could change the territorial extent of the earldom and the terms by which the earl held it, without the consent of the earl or the Orcadians, as he could also do with earldoms in Norway. The formal status of Orkney and Shetland in relation to the crown in Norway was a result of the territorial lordship that was established in 1098, and this was not changed in 1195. Orkney and Shetland were under the Norwegian kings' overlordship both before and after the 1195 settlement. The settlement regulated the relationship between king and earl, and the terms on which the earl held the earldom. The Norwegian kings had previously intervened in the succession to the earldom and influenced developments in it, at times with military support. But prior to 1195 the Norwegian kings had not used their right to define the terms on which the earls held the earldom.

The settlement between King Sverre and Earl Harald Maddadsson in 1195 and the agreement between King Magnus and Earl Magnus Gilbertsson in 1267 had momentous consequences for the Orkney earls. The earl's position was weakened, direct royal lordship was established, and Shetland was placed under royal government as a separate sheriffdom. The relationship between king and earl and the conditions regulating it thereby became part of the judicial foundation for the tributary status of Orkney. Yet this does not mean that the king's lordship in Orkney was based solely on vassalage. It was not the 1195 settlement itself that legitimated the presence of a royal sheriff. It was the king's overlordship of the tributary land that was the

[55] See below on the earldom in Iceland.

foundation for the punishment of Earl Harald, and a weakened and subdued earl offered a good occasion to establish the same administrative apparatus in Orkney and Shetland as the king had in Norway. The lordship was not a result of the homage paid by the local kings or earls to the Norwegian or Scottish kings, but of the fact that the area was perceived as being in the Norwegian king's sphere of interest and subsequently a part of his domain. Although Shetland was governed as a sheriffdom in Norway, the country continued to be regarded as a tributary land with a different formal relationship to the crown than the Norwegian realm's core area.

Both the 1098 agreement and the Treaty of Perth in 1266 were intended to set the boundaries for the territorial ambitions of the two kingdoms.[56] The stipulation in the Treaty of Perth shows how King Magnus viewed his lordship over Orkney and Shetland and the rights this gave him. The treaty specifies that the respective island communities—Man and the Hebrides for King Alexander III and Orkney and Shetland for King Magnus Håkonsson—with all their domains, rights over men, revenues, services, and all the rights and appurtenances within them, were to be reserved for each of the kings.[57] In connection with Man and the Hebrides it is also stated that they were to be subject to the laws and customs of the kingdom of Scotland, and had to be treated and judged in accordance with them. The Treaty of Perth leaves no doubt that the Norwegian kings' lordship of the Norse island communities was and had been primarily territorial. The agreement put an end to the territorial disputes between Scotland and Norway, and transferred formal lordship over all the islands along the Scottish coast, with the exception of Orkney and Shetland, to the king of Scotland. The Treaty of Perth otherwise confirms the overlordship that King Magnus Barelegs acquired over all the islands west and north of Scotland in 1098 in that it refers to all the rights the Norwegian king had enjoyed there of old. The treaty, however, does not consider the issue of the status of Orkney and Shetland *vis-à-vis* the Norwegian

[56] *Os*, ch. 41; *Magnúss saga berfœtts*, ch. 5 (1098); *DN* VIII 9 (1266). On the treaty of Perth see, for example, Lustig 1979, pp. 35–57. Here Lustig gives a good survey of conclusions about the treaty in Norwegian and Scottish research.

[57] *NMD*, p. 112. Original Latin text: "et exceptis jnsulis Orchadie et Hietlandie quas jdem rex Norwegie cum dominijs homagijs redditibus seruicijs et omnibus juribus et pertienciis suis infra easdem contiguis dominio suo specialiter reseruauit jta quod omnes homines dictarum insularum […] subiaceant legibus et consuentudinibus regni Scocie et secundum eas exnunc in posterum tractentur et judicentur."

crown. This was an internal Norwegian matter. What the treaty says about royal lordship is very interesting in itself. Having lordship gave rights over the men, revenue, services and all the rights and appurtenances yielded by the islands. This is much more than formal, indirect lordship in the manner of 1098. A modern expression such as "territorial sovereignty" perhaps best covers what the crown meant by lordship in 1266. The king probably felt that the inhabitants were also subject to the laws and customs of the kingdom of Norway, and should be treated and judged according to them, as the people of Man and the Hebrides were made formally subject to Scottish law and customs in 1266. The change can be explained in terms of developments in the kingdom of Norway from the end of the twelfth century. The Treaty of Perth shows how the Norwegian crown regarded its lordship over the area under King Magnus Håkonsson, and how the Norwegian and Scottish kings in 1266 legitimated their lordship over the islands and in relation to each other. Although the king's law probably did not apply in Orkney and Shetland until later in the thirteenth century, the king asserted a formal lordship over the territory, irrespective of his relationship to the earl.

Even though it was Earl Harald Maddadsson's disloyalty that led to a reduction of the earl's position, the general expansion of the kingdom had the result that Orkney and Shetland became a part of the kingdom in administrative terms. Earl Harald was under pressure from overlords who were less dependent than before on local rulers to safeguard their interests in the periphery of the kingdom. Although it was a step on the way, the vassalage of the local magnates did not automatically lead to the establishment of a more direct royal lordship. This required the will, and above all the ability, to exercise direct royal rule.

The earl lost his role as the king's deputy and was no longer alone in guarding the king's interests locally. At his side he now had a royal sheriff, and Shetland changed from being a part of the earldom to being treated like a sheriffdom in Norway. In this respect the settlement of 1195 should be regarded as a turning point in the history of Orkney and Shetland, even though the earldom was maintained and the status of the lands *vis-à-vis* the king did not change.

Direct lordship, as far as I can see, is characterized by the fact that revenue which would previously have gone entirely to the earl now had to be shared with the king, and that the king had men of his own present to manage these revenues. And since the king's revenue included fines, we may assume that the sheriffs in Orkney and Shetland also

had a role in the local administration of justice. Even if the establishment of a shrieval organization was the result of the 1195 settlement, it cannot be proved that King Sverre Sigurdsson, or King Inge Bårdsson for that matter, pursued a special policy of incorporation for Orkney and Shetland. Royal power in Norway still had not been fully consolidated in King Sverre's time, although the original tributary lands were embraced by the general expansion of national rule by the king from the end of the twelfth century.

Icelandic chieftains and the establishment of royal lordship

Historiographical note

The establishment of the king's lordship in Iceland took place in two spheres. The king acquired control over the Icelandic chieftaincies through confiscation and transfers. Parallel to this, the king's representatives worked to secure direct lordship for him, which was comprised of tax from the Icelanders and their acceptance of submission to the Norwegian crown. This process is a theme in virtually all research dealing with political development in the country in the period *c.* 1220–1264. The prevailing opinion is based on the relationship between King Håkon Håkonsson and the Icelandic chieftains who were his liegemen; the confiscation of Snorri Sturluson's estate after his murder and the king's deliberate strategy *vis-à-vis* the Icelandic chieftains are thought to have brought Iceland under the Norwegian king.[58] However, in 1258, about ten years after King Håkon had launched his Icelandic policy and his strategy for dealing with the Icelandic chieftains, only one of the Icelandic chieftains was a royal liegeman. Moreover, Icelanders were recruited to the Norwegian king's hird long before 1220, without this having any consequences for Iceland's status in relation to the Norwegian crown. It is therefore necessary to bring in other aspects in addition to the chieftains' status as liegemen in

[58] See e.g. Jón Jóhannesson 1956, "Fjörbrot þjóðveldisins"; Gunnar Karlsson, "Frá þjóðveldi til konungsríkis", ed. Sigurður Líndal, *Saga Íslands* II, Reykjavík 1975, pp. 29–53; Björn Þorsteinsson and Sigurður Líndal, "Lögfesting konungsvalds", ed. Sigurður Líndal, *Saga Íslands* III, Reykjavík 1978, pp. 34–40; Gunnar Karlsson 2001, pp. 80–82; Orning 2008, pp. 227–56 on the establishment of royal lordship over Iceland.

order to describe and explain how and why the transition to royal lordship was able to take place.

In this account we shall first look at how the king was able to gain control over the Icelandic chieftaincies, now large domains, and consent to tax payment. Then we shall look more closely at why the king employed Icelandic chieftains to gain control over the country, before we finally focus on the judicial foundation for the king's lordship.

King Håkon's strategy: control of the chieftaincies and consent to tax payment

King Håkon's desire for lordship over Iceland seems to have been in accordance with the church's ideological approach to government and kingship. In his comment on the king's policy towards Iceland, the pope's emissary, Cardinal Vilhelm, the bishop of Sabina, who was in Norway to crown King Håkon, expressed the view that all the countries in the world should serve a king.[59] However, in his policy to gain control over Iceland, king Håkon relied on a more practical approach.

In 1250 King Håkon was in control of a substantial share of the former chieftaincies in the Western, Northern, and Southern Quarters of Iceland, and by 1264 King Magnus had acquired legal authority over or title to the territories of all the chieftains in Iceland, as well as promises of tax payments from the Icelanders. Control of these territories was essential for establishing a foundation for political power in Iceland.[60] A chieftaincy was in principle a private and personal lordship in a decentralized pre-state society. And even though it was originally the personal bond between the chieftain and the farmers that was the foundation for the chieftain's position, this situation changed in the 1220s with the concentration of the majority of the chieftaincies into the hands of considerably fewer chieftains and their families—Ásbirningar, Sturlungar, Oddaverjar, Haukdælir, and Svínfellingar—controlled the majority of the chieftaincies.[61] Their domains consisted of several chieftaincies that became the basic units in the organization

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[59] *HsH*, ch. 257.

[60] Ólafur Lárusson, "Goði og Goðorð", *KLNM* V, 1960, cols. 363–66; Jón Viðar Sigurðsson 1999, pp. 71–75, 209.

[61] Jón Viðar Sigurðsson 1989, pp. 132–37; Jón Viðar Sigurðsson 1999, pp. 13–16, 62–83.

of Icelandic society *c.* 1220.[62] The chieftains were motivated by a desire for supreme lordship in Iceland. We can therefore say that Iceland too underwent a form of a national unification process in the High Middle Ages.[63] From the 1220s the process entered a new phase, and ambitions led to conflict in the form of power struggles. This lasted more or less without interruption until 1261.

In the period from 1217 to 1220 there had been several conflicts between Icelanders and Norwegian merchants in Iceland, and in 1220 Earl Skule Bårdsson threatened to send an army against Iceland. This was averted by, among others, Snorri Sturluson, who was then in Norway. Snorri is said to have promised the earl that he would ensure peace for Norwegians in Iceland and try to get the country to submit to the king. Snorri became a royal liegeman with the hird rank of *lendr maðr* and went back to Iceland. On his return, he sent his son Jón to the earl as a guarantee of his loyalty.[64] Snorri Sturluson may initially have wished to keep his promise to make Iceland submit to the king. However, he became embroiled in the power struggles.[65] Moreover, Snorri was scarcely included in the king's plan, as it was not really effectuated until the late 1240s.

The warfare forced many Icelandic magnates and their relatives to leave Iceland. There was a whole Icelandic community in Bergen, and King Håkon's and Earl Skule's retinues gave them a chance to earn a living.[66] The chieftain Sturla Sighvatsson, Snorri's nephew and greatest rival, also came to Norway. In 1235 he and King Håkon agreed

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[62] Jón Viðar Sigurðsson 1999, p. 71. In addition the Vatnsfirðingar and Hítdælir each controlled a chieftaincy.

[63] Orning 1997, pp. 471–73.

[64] *HsH*, ch. 38, 59; *Ísl*, ch. 38, 41. *Hákonar saga Hákonarsonar* and *Íslendinga saga* do not agree as to who initiated the expedition. In the former it is Skule who is the active party, whereas the king plays a more active role in the latter.

[65] Jón Viðar Sigurðsson 1999, pp. 71, 135–39, on the power struggles in Iceland and Snorri's part in it. Orning 2008, pp. 232–33, 236–37, on Snorri's lack of ability or will to work to secure Iceland for the king.

[66] In Bergen, the Icelanders assembled at the home of Aron Hjǫrleifsson. Aron had been expelled from Iceland in 1225 and was a royal liegeman (*Ísl*, ch. 55; *Þorgils saga skarða* (*Þsk*), *Sts* II, ch. 4). Icelanders who pursued a career in the hird in Norway at this time were: Snorri's son Jón Snorrason and Gizurr Þorvaldsson *c.* 1230; the Sturlungs Þórðr kakali Sighvatsson and Þorgils skarði Bǫðvarsson; Sighvatr Bǫðvarsson, another Sturlung, took part in King Håkon's last expedition in 1263 (*HsH*, ch. 319). Þorgils skarði Bǫðvarsson's retainer, Bergr Ámundason, was also a royal liegeman. On King Håkon's Icelandic liegemen, see Jón Jóhannesson's "Hirð Hákonar gamla á Íslandi", *Samtíð og Saga* IV, Reykjavík 1948, pp. 116–36, and Wærdahl 2007.

that Sturla should make the country submit to King Håkon.[67] Sturla's condition was a position of rank awarded by the king if he succeeded. King Håkon is reported to have said that Iceland would be more peaceful if one man governed it. However, he did not want this to be achieved by slaughter, and asked Sturla to send men to Norway or take over their power in some other way.[68] This too failed to bring King Håkon closer to what seems to have been the goal: royal lordship over Iceland. Sturla gained a strong position in Iceland, but he does not seem to have secured the country for the king in any sense. The king's desire for lordship over Iceland was silenced by the noise of fighting Icelanders and the king's own conflict with Earl Skule Bårdsson.

Snorri Sturluson, Snorri's son Órækja, and other close supporters were also forced to leave Iceland because of the power struggles. They came to Trondheim and stayed with Skule Bårdsson—who had now received the title of duke—from 1237 until 1239, when they returned to Iceland. There was a general, royal ban on Icelanders leaving Norway in the spring of 1239, but Snorri and the others set off home to avenge kinsmen who had been killed by Snorri's former sons-in-law, Gizurr Þorvaldsson and Kolbeinn ungi Arnórsson in 1238.[69]

In 1240 Gizurr Þorvaldsson—the king's *skutilsveinn*—and Kolbeinn Arnórsson received a letter from King Håkon. The king called Snorri a traitor and ordered Gizurr to get Snorri to leave Iceland, either voluntarily or by force, and to kill him if nothing else was possible. The reason was Snorri's departure from Norway in 1239. Snorri was killed on Gizurr's orders in 1241. The killing initially led to intensified strife between the Sturlungar, the powerful chieftain family, and their supporters on the one hand, and Gizurr and Kolbeinn on the other.[70] Snorri's enemies in Iceland, including Gizurr, may have used

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[67] *Ísl*, ch. 92, 139; *HsH*, ch. 180.

[68] *HsH*, ch. 180; *Ísl*, ch. 139.

[69] As a *lendir maðr*, Snorri could not leave Norway without the king's permission. Snorri had close ties to Earl Skule Bårdsson, but the sources do not mention this as the reason for the king's reaction to Snorri's violation of the ban. The friendship between Snorri and Skule is underlined by the rumours that later circulated in Iceland, to the effect that Skule had secretly given Snorri the title of earl (*Ísl*, ch. 126, 139, 143–46, 151; *HsH*, ch. 243). Skule Bårdsson received the title of duke in 1237 (*HsH*, ch. 190).

[70] *Hákonar saga Hákonarsonar* mentions Gizurr's role in the killing of Snorri, but says nothing about the king's part. The king indirectly admitted his guilt when he said in the same year to Órækja Snorrason that he deserved to die more than his father on account of the departure for Iceland in 1239, and, in connection with the arbitration between Þórðr kakali and Gizurr Þorvaldsson in 1247, that he (the king), and not

the king's letter as an excuse for eliminating a powerful opponent in the Icelandic power struggle.

Since the *lendr maðr* Snorri had left Norway against his liege lord's will, King Håkon could claim Snorri's property and chieftaincy in accordance with *Hirðskrá*.[71] Although Gizurr Þorvaldsson was ordered to secure the king's properties in the Borgarfjörður area some time before 1245, the king's demand for Snorri's property and domains did not become a topic of concern until the end of the 1240s.[72] When the king put Þorgils skarði Bǫðvarsson in charge of Borgarfjörður in 1252, he declared that Snorri's estate had fallen to him the day Snorri died, with the exception of Reykholt which belonged to the church.[73] The appropriation of Snorri's inheritance must be seen as part of the king's strategy, and it is likely that the king deliberately set out to ensure control of the chieftains' territories.

Although the king already seems to have had some kind of strategy for acquiring lordship over Iceland in 1235 and 1241–45, it did not become a reality until 1247; it was at this point that the king used his control over Borgarfjörður, and the Sturlung Þórðr kakali Sighvatsson's local power base in this area, and sent Þórðr and Bishop Henrik of Hólar to Iceland with the task of bringing Iceland under the king's lordship and getting the Icelanders to pay tax. The king placed Þórðr in charge of Snorri's chieftaincies and properties, and gave him authorization to take control of the chieftaincy of Þorleifr of Garðar as well, as a punishment for sailing to Iceland in defiance of the king's prohibition in 1239.[74] Þorgils skarði Bǫðvarsson, Þórðr's kinsman, was to stay with the king as a hostage and a guarantee.

When Þórðr reached Iceland, he took control of Snorri's domain in Borgarfjörður, then the Western Quarter and Borgarfjörður south of the Hvítá river. As Þórðr did not need to seek legal title to the chieftaincies in order to control them, Jón Viðar Sigurðsson takes this as evidence that the king already had a powerful influence in Iceland in

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Gizurr, was responsible for Snorri's death (*HsH*, ch. 244, 246, 248, 257; *Þórðar saga kakala* (*Þk*) (*Sts* II), ch. 45). On the further power struggle in Iceland after 1241, see Jón Viðar Sigurðsson 1989, pp. 74–79.

[71] *H*, ch. 15, 35.

[72] See Jón Jóhannesson 1948, p. 127.

[73] *Þsk*, ch. 10.

[74] *HsH*, ch. 257.

1247.[75] Snorri's status as royal vassal thus ensured the king's ownership of the territory Snorri left at his death. Through Þórðr, the king may have gained the title to the Northern and Western Quarters.

In 1249 Þórðr forced the chieftains Haraldr and Filippus Sæmundarsons from Oddi to leave Iceland. They transferred their chieftaincies to King Håkon, and received them back as fiefs after having sworn an oath to the king. Around 1250 the king had acquired the title to or owned the Borgarfjörður-domain, the domain of the Oddaverjar, and the Western and Northern Quarters.[76] Þórðr was a liegeman when he was favoured by the king in 1247. We can therefore say that Snorri's and Þórðr's links to the hird were crucial for the king's ability to secure ownership of, and title to, the chieftains' domains.

The king's strategy brought some immediate results: Þórðr established a kind of "autocracy" in the country, and in accordance with the strategy the king had outlined with Sturla Sighvatsson in the 1230s, he forced the Sæmundarsons and others to come to Norway. Bishop Henrik, however, was not satisfied with Þórðr's efforts. There was no progress in the matter of getting the Icelanders to pay tax, and Þórðr was accused of exploiting the king's support to strengthen his own position in Iceland by fighting Gizurr and other opponents of the Sturlungar. King Håkon ordered Þórðr back to Norway, and he left Iceland in 1250, never to return.[77]

Despite the limited success, the king continued to rely on Icelandic chieftains to fulfil his political ambitions. The strategy was now known among the Icelanders staying at his court. They were wrangling among themselves because they all wanted to be sent to Iceland. Those who were not dispatched by the king were retained in Norway, to prevent further escalation of the conflicts in Iceland and to safeguard the king's representatives as well as possible. But even though there were a large number of high-born Icelanders in Norway, many of the chieftains

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[75] *Þsk*, ch. 47–48. See also Jón Viðar Sigurðsson 1989, p. 76. Þórðr kakali Sighvatsson was the son of Sighvatr Sturluson and the most active of the Sturlungar in the power struggles in the 1240s. On Þórðr Sighvatsson's road to power in Iceland, see Orning 1997.

[76] *Ísl*, ch. 161–62; Jón Viðar Sigurðsson 1989, pp. 76–78.

[77] Þórðr Sighvatsson and Bishop Henrik were supposed to put forward the message that all Icelanders had to consent to be under King Håkon's lordship and pay such taxes as they agreed on. After he returned to Norway, Þórðr was given a sheriffdom first in Gauldalen, in southern Trøndelag, then in Skien (*Þk*, ch. 47–48; *HsH*, ch. 257, 268, 270, 273, 276, 282–83, 285). Þórðr is also said to have taken part in King Håkon's raids on Halland in 1256, the year that he died (*IA*, pp. 133, 192, 329).

and their sons were still living in Iceland. They had no bonds of loyalty to King Håkon and were free to obstruct chieftains who came from Norway.

In 1250 King Håkon had secured effective control over much of the country and had power over an area greater than that of any Icelandic chieftain. Ownership of and title to the chieftaincies gave the king rights very like those enjoyed by the chieftains, but not direct royal lordship, which seemed to be the king's ultimate goal. After 1250 the king abandoned the strategy of employing only one man, and sent several Icelanders to Iceland along with Bishop Henrik. In 1252 Gizurr Þorvaldsson was put in charge of most of the Northern Quarter, Þorgils Bǫðvarsson over Borgarfjörður, and Finnbjǫrn Helgason over "the territory north of Vaðlaheiði".[78] These were areas that Þórðr had ruled and that the king now owned or had legal title to.

Gizurr, Þorgils and Finnbjǫrn came into conflict with the agents that Þórðr had placed in charge of his domains before he went to Norway in 1250.[79] The ensuing struggle with Þórðr's agents and the chieftains' own ambitions resulted in the consequence that their promises of tax to the king did not get top priority. The king's right to the territories was also disputed, by other chieftains and the farmers. In the end, Þorgils lost Borgarfjörður to Þórðr's agents. Gizurr went to Norway in 1254 after losing most of his family when they were burned in an attack on their home, and Finnbjǫrn died in 1255. In addition to the king's chieftains and Þórðr's agents, others were brought into the conflict. Among these was Þorvarðr Þórarinsson, who became an ally of Þorgils in 1255, and won a decisive battle against Þórðr's agents.[80] Þorvarðr tried to be proclaimed chieftain in Eyjafjörður in

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[78] *Þk*, ch. 48; *Svínfellinga* saga, *Sts* II, ch. 1; *Þsk*, ch. 10; *HsH*, ch. 269, 273, 276. There is no agreement between the different sagas in the compilation *Sturlunga saga* as regards Gizurr's territory. According to *Íslendinga saga* he received most of the Northern Quarter, whereas *Þorgils saga skarða* places him over the Southern Quarter. Besides Gizurr and Þorgils, Finnbjǫrn Helgason also went to Iceland. Filippus and Haraldr Sæmundarsons also returned to Iceland in order to take back their territory on behalf of the king, but their ship was wrecked on the way (*HsH*, ch. 273; *Ísl*, ch. 161–64; *Þsk*, ch. 10, 13–23).

[79] *Þsk*, ch. 10–18. Eyjólfr Þorsteinsson had been put in charge of Skagafjörður, Hrani Koðránsson received Eyjafjörður, and Þorleifr Þórðarson Borgarfjörður. In addition, Hrafn Oddsson, Sæmundr Ormsson, Sturla Þórðarson, and Nikulás Oddsson were bound by an oath of loyalty to Þórðr.

[80] *Ísl*, ch. 188; *Þsk*, ch. 39, 50–53. Þorvarðr was drawn in to avenge his brother Oddr, who was Gizurr's agent after Gizurr left Iceland in 1254. Oddr was killed by Eyjólfr Þorsteinsson and Hrafn Oddsson.

1256 after Þórðr's agent had fallen. The farmers refused because they were awaiting orders from Þórðr Sighvatsson or the king.[81] Þorgils, on the other hand, received an enfeoffment from the king in 1256, and at this time he controlled the whole Northern Quarter, including Eyjafjörður. Þorvarðr then turned against his former allies and killed Þorgils in 1258.[82]

In 1245 King Håkon retained the sons of Icelandic chieftains in Norway because he wanted to receive tax from the country.[83] To be put in charge of the king's Icelandic territories, the chieftains had to promise to endeavour to get the Icelanders to agree to pay tax and submit to the king. In this way the king wanted to legitimate his lordship with the Icelanders' consent. The work of obtaining tax from Iceland thus went on parallel to the king's acquisition of control over the chieftaincies. Payment of tax by the whole of Iceland was not established by law until the period 1261–64.

At first the task of announcing the king's desires and obtaining the Icelanders' consent to pay tax was left to Icelandic chieftains and Norwegian-born bishops in Iceland. The Icelandic chieftains, however, displayed little will or ability to implement the king's wishes in the territories to which they were appointed by the king. The king's strategy of using local players, such as chieftains and bishops, was effective for ensuring control of the Icelandic chieftaincies, but less so for achieving the king's ambitions for tax and acceptance of direct royal lordship over the country. The conflict between Gizurr, Þorgils, Finnbjǫrn, Þórðr's agents, and later Þorvarðr Þórarinsson can be regarded as a new, intensive phase in the civil strife. The strategy had thus made the king dependent on mutually dissenting Icelandic chieftains who had little interest in furthering the king's cause in the country. The local connections on which the king was so dependent instead became a problem.

It does not seem as if King Håkon considered any other strategy in the 1240s and early 1250s. Military conquest, which was the way the English and French kings preferred to ensure direct lordship in the thirteenth century, is not mentioned. Nor did the king dispatch Norwegians as emissaries at this time. However, the chieftains' own

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[81] *Þsk*, ch. 54–64.

[82] *Þsk*, ch. 65–67, 76. Þorgils also received the farmers' support in Skagafjörður and held Snæfellsnes after his father and his grandfather.

[83] *Þk*, ch. 4.

ambitions, the bishops' involvement in Icelandic matters, and conflict between chieftains had the result that the king's strategy had to be altered, and the process was protracted.

Even though the chieftains displayed scant willingness to comply with the king's demand for tax, the king gained consent to the payment of tax for the first time in the 1250s. Yet this was not due to either Þorgils or Gizurr. It was because the king changed his strategy in 1254, the first time he employed Norwegian emissaries in his Icelandic policy. From the middle of the 1250s the task of persuading the Icelanders to swear to pay tax and accept the king's rule was increasingly left to loyal, Norwegian-born king's men who lacked private ambitions for political power in Iceland. Despite a certain degree of success, the emissaries were largely forced to stand looking on as the chieftains fought among themselves, and report their lack of interest to the king. In the summer of 1254 Sigvard, bishop of Skálholt, was sent to plead the king's cause at the Alþingi. The king also sent a Norwegian to keep an eye on the bishop.[84] In 1255 Bishop Henrik of Hólar, Þorgils Bǫðvarsson, and the king's emissary managed to summon the farmers to assemblies, and the majority of the freemen in the Northern Quarter consented to pay tax to the king as they had agreed with the king's emissary.[85] Almost ten years would elapse, however, before the king got the whole country to assent to pay tax.

In 1258 King Håkon's policy reached a critical point. Gizurr Þorvaldsson was then the only surviving chieftain with formalized ties to the king. He was given the title of earl and authority over Borgarfjörður and the Southern and Northern Quarters. Gizurr once again promised King Håkon that he would impose peace on the country and get all the Icelanders to pay tax. The king sent out additional men to work for the latter and to keep an eye on the earl.[86]

It is perfectly possible that this Icelandic earldom can be associated with the king's strategy for obtaining tax, and that the appointment to the highest dignity in the kingdom was supposed to inspire Gizurr to

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[84] The emissaries had with them letters of summons to Icelanders from the king. They most likely concerned Gizurr. In 1255 Ivar Engelsson arrived in Iceland as an emissary. He was a royal *fehirðir* (treasurer) in 1245 and an experienced envoy. Ivar was supposed to promote the king's cause in Iceland with support from the bishops there. He also brought with him the royal letter that gave Eyjafjörður to Þorgils (*HsH*, ch. 283; *Þsk*, ch. 5, 64–67).

[85] *HsH*, ch. 283.

[86] *Ísl*, ch. 192–93, 197; *HsH*, ch. 300; *IA*, pp. 66, 133, 192, 257, 330.

make an extra effort. In reality this was probably a goodwill gesture towards Gizurr, who now had almost thirty years in the king's service behind him. The earldom can also be directly linked to the formal lordship that the king had established over large parts of Iceland, showing the rights the king claimed to have in the area. Gizurr set up a hird and transferred Borgarfjörður to Sturla Þórðrsson, a Sturlung who was also a central figure in the power struggles. Even though Gizurr displayed great aptitude in his role as earl, in practice he did not function exactly like the earls in Norway. Even though he had full power of government, the revenue from the earldom still had to be divided equally with the king.[87] In addition, he was under surveillance by the king's spies and emissaries. The earl went too far, however, when he promised his men the same rank with the king as they had with him, and he deceived the inhabitants on the matter of taxation. In the summer of 1260 two of the king's emissaries met at the General Assembly, where they proclaimed the king's desire for consent to taxation. They got nowhere, blaming their failure on the earl's influence.[88]

Instead of summoning Gizurr to him or stripping him of the title, King Håkon chose another solution. In 1261 the king's emissary Hallvard Gullsko came to Iceland. Besides reminding the earl of the promises he had made to the king, he also brought a royal letter that took Borgarfjörður from the earl and gave it to Hrafn Oddsson.[89] Hrafn was chieftain in the West Fjords without any known links to the king. He had been one of Þórðr Sighvatsson's supporters, and in that capacity he had expelled Þorgils from Borgarfjörður and taken part in the arson attack on Gizurr in 1253. It is not known why Hrafn Oddsson received Borgarfjörður, but royal service was probably now the only option for anyone wishing to secure and expand his personal power base. We do not know whether the king had appealed to Hrafn or vice versa. It is nevertheless probable that the king had such detailed knowledge of the situation in Iceland that he made an advance to Hrafn. Since Earl Gizurr had not functioned in accordance with the king's plan, Hrafn may have seemed like the only alternative. Hrafn's support and influence in Iceland were probably necessary to ensure the king direct lordship. And by ensuring his support, the king could

[87] A letter is said to have come from the king stating how much tax the king was to receive from the country and how much Gizurr would have (*HsH*, ch. 300).
[88] *HsH*, ch. 300, 301, 311; *Ísl*, ch. 192–95.
[89] *Ísl*, ch. 197.

also prevent new struggles between Gizurr and Hrafn. In 1261 the king was the strongest political actor in Iceland, and with the king's support there were few, if any, who could challenge Hrafn's position. Hrafn had to send his son to Norway as a hostage as a guarantee, and he probably had to transfer his power to the king in order to receive Borgarfjörður, to be put in charge of it again by the king. Gizurr's position was thus weakened to the advantage of a man with whom he was not on good terms, and Sturla Þórðarson lost the fief he held from the earl.[90]

Hrafn immediately became Hallvard Gullsko's most important supporter in 1261, and functioned as a battering ram against the recalcitrant Earl Gizurr. Hrafn and Gizurr had to reach a settlement in Hallvard's presence at the General Assembly in 1262.[91] Hallvard Gullsko must nevertheless be credited with the final success of the king's policies. His mission was to get the Icelanders to swear to render tax, land, and submission to the king, and he must have had full authority to negotiate the terms with the Icelanders and to give guarantees on behalf of the king. Hallvard also exerted pressure on the remaining Icelandic chieftains to hand over their territories to the king. In 1264 the last of them transferred his chieftaincy to the crown.[92]

The ownership of the properties and chieftaincies left by Snorri Sturluson, and titles to other chieftaincies, gave the king a foundation for controlling much of Iceland, and not least for controlling those who were to rule the country. But control of chieftaincies alone did not give the king tax revenues from Iceland. Nor did it lead to the establishment of direct royal rule. Before we look more closely at the judicial foundation for the king's lordship over Iceland, we shall look more closely at the Icelandic chieftains' role in King Håkon's policies.

Why did the king use Icelandic-born liegemen to gain control of Iceland?

Any man who represented the king locally in the middle of the thirteenth century usually became the king's liegeman and joined the hird.

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[90] Sturla Þórðarson made an enemy of Hrafn to such an extent that in 1263 he had to leave for Norway after Hrafn had chased him and his son out of the district (*Ísl*, ch. 197; *Sturlu þáttr* (*Sts* II), ch. 1, 2–3).

[91] *Ísl*, ch. 197–98.

[92] Ibid.; *HsH*, ch. 311; *IA*, pp. 134 (1262), 135 (1263 and 1264). See e.g. Jón Jóhannesson 1956, p. 223.

All the men whom the king put in charge of the territories he controlled in Iceland were also royal liegemen. Belonging to the hird was essential for this type of responsibility and favour. This enabled the king to summon the chieftains to Norway, to keep them there and, if necessary, to punish them. We shall now see that the chieftain's birthplace and personal power base in Iceland must also be regarded as equally important factors in the king's policies for making the country submit to him.

By 1220 Icelanders had already been making careers for themselves in the retinues of Norwegian kings and earls for several centuries. However, belonging to the royal hird did not have political consequences for Icelanders until the king started his effort to bring Iceland under his control. The king's strategy is said to have been to tie as many chieftains as possible to him as liegemen, but far from all the Icelandic chieftains in the period 1220–1262 rendered homage to the king. Neither Sturla Sighvatsson, Þórðr Sighvatsson's agents, nor a prominent chieftain like Kolbeinn Arnórsson were liegemen. In the case of Kolbeinn, the fact that he did not belong to the hird is even emphasized in the saga account. In the period from 1258 to 1261, as we have seen, Gizurr was the only chieftain in the hird. Hrafn Oddsson entered the king's service in 1261, but he does not seem to have gone to see the king before 1269. Although he did not render homage to the king when he received Borgarfjörður, he nevertheless provided guarantees for his loyalty. Many chieftains became liegemen in the period 1262–1264 when the king secured lordship over the rest of Iceland.[93]

The king had a very limited recruitment base, not because there was a shortage of Icelanders in the hird, but because the king seems to have preferred the chieftains and their sons and nephews. We shall return to this, but first let us look more closely at why the chieftains and their men became royal liegemen in the period 1220–1264.

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[93] Among the chieftains and their close relatives, the following were liegemen in the period 1220–1262: Snorri Sturluson, his sons Jón and Órækja, Gizurr Þorvaldsson, Þorleifr Þórðarson of Garðar, Árni óreiða Magnússon, Loftr Pálsson, Þórðr kakali Sighvatsson, Þorgils skarði Bǫðvarsson, Filippus and Haraldr Sæmundarsons. Among chieftains and their close associates who were not the king's liegemen we find: Sturla Sighvatsson, Sturla Þórðarson, Kolbeinn Arnórsson, Oddr Þórarinsson, Eyjólfr Þorsteinsson, Hrani Koðránsson, Sæmundr Ormsson, Hrafn Oddsson, Þorvarðr Þórarinsson, and many more. Although Þórðr's agents had sworn loyalty to Þórðr, this did not tie them to King Hákon (*Þsk*, ch. 10–12). The oath of loyalty was personal, and had to be sworn in the king's presence. There is nothing in the sources to suggest that the agents had established bonds with the king at this time.

Gizurr, Þórðr, and Þorgils were already liegemen when the king decided to send them to Iceland. Þorgils had even been a leading figure in King Håkon's regional division of the hird in Trondheim.[94] In the period 1247–1261 it was only the Sæmundarsons who rendered homage to the king in order to be placed in charge of their former territories in Iceland. The other chieftains or future chieftains did not become liegemen to be put in charge of the king's territories in Iceland. Service in the king's hird was a way for banished Icelanders to earn a living. Moreover, it conferred prestige in both Norway and Iceland. Þorgils Bǫðvarsson's career in the hird is illustrative in this regard. Þorgils was a Sturlung. In 1244, at the age of eighteen, he came with his companion Bergr Ámundason to Norway. After a long stay with a royal vassal, his host and an Icelandic hirdman recommended Þorgils to the king for service in the hird. Þorgils wanted to go back to Iceland, but this time the king kept him and other prospective chieftains in Norway. The solution in this situation was to join the hird.[95] Þorgils became a liegeman after the king had initiated his policy towards Iceland. However, he did not become a liegeman to be put in charge of the king's territories, but by joining, he did become part of the circle from which the king recruited his representatives in Iceland. Moreover, the Icelandic chieftains were recruited to the top level of the hird. Gizurr became *skutilsveinn* at the age of nineteen, a rank also held by Þórðr kakali and Þorgils skardi. The Icelanders' interest in the prestige and opportunities that came with hird service, and in particular high-ranking positions, can be compared to the endeavours of Welsh, Scottish, and Irish princes and magnates to be knighted by the English king at the same time.[96]

The Norwegians whom the king sent to Iceland as emissaries in the 1250s were of course also liegemen. Belonging to the hird was thus essential for any man who wanted to be put in charge of the

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[94] Gizurr had been a *skutilsveinn* since 1229. Þórðr had probably been in the hird in the period 1237–1242. Both Gizurr and Þórðr were also sheriffs in Norway in the 1240s and 1250s (*Ísl*, ch. 164, 192; *Þk* ch. 47; *HsH*, ch. 276, 283). Þorgils pursued a regular hird career with the king and was hird governor in Trondheim in the 1250s (*Þsk*, ch. 8; Wærdahl 2007). As sheriff and hird governor respectively, Þórðr and Þorgils must have held the rank of *skutilsveinn*.

[95] *Þsk*, ch. 2–5; Wærdahl 2007.

[96] Rees R. Davies emphasizes the potential that a formalized link to the English crown and a title of knight could give a member of the local aristocracy (Davies 1990, pp. 48–53). Cf. ch. 1 on the Manx-Hebridean kings' and magnates relationship to English and Scottish kings.

king's domains in Iceland. Hird membership gave the king influence over the chieftains and thus over development in Iceland. In 1246 Gizurr Þorvaldsson and Þórðr kakali fought each other for hegemony in Iceland. They were both royal liegemen, and together with their supporters they agreed that the king should settle the dispute between them. The king's arbitration in the matter between Gizurr and Þórðr in 1247, and the king's acceptance of responsibility for the killing of Snorri, shows how strong an influence he already had in the country. The arbitration was in accordance with the stipulation in the *Hirðskrá* that judicial conflicts between hirdmen should be resolved within the hird or by the king.[97]

The only Norwegians who represented the king in Iceland were bishops and royal emissaries. Norwegians could be used to negotiate with the Icelanders about paying taxes, but they were not put in charge of the territories the king controlled from 1247 to 1264. Why did the king not appoint Norwegians to govern territories in Iceland when Þórðr Sighvatsson and Gizurr Þorvaldsson could be sheriffs in Norway?

Unlike the Icelanders, the Norwegians had no local connections or local power base in Iceland. Both were essential if the king's representatives were to get the necessary support from other chieftains and the people of Iceland. It was not sufficient to have support from the king alone. Norwegians probably were not even considered as an alternative, since the situation was tricky enough for the Icelandic chieftains who did have local support. The Norwegian monarchy also had once been established by winning over local magnates for the crown. The transition from a pre-state to a state society is characterized in Norway by, among other things, the fact that the loyalty of the local aristocracy was shifted from the local community to the crown. The establishment of royal lordship in Iceland demonstrates this process in practice.[98]

In addition, there was an element of sympathy and personal preference in the king's relations with the Icelandic chieftains. The pope's emissary, Cardinal Vilhelm, thought that Þórðr deserved to be sent to Iceland in 1247 because he had suffered great losses.[99] In 1258, when Gizurr was sent out alone as earl, presumably there was also an ele-

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[97] *Þk*, ch. 44–45; *HsH*, ch. 257; *H*, ch. 36.

[98] See e.g. Helle 1974, pp. 204–206.

[99] *Þk*, ch. 46–48. Þórðr's father and brothers had fallen in battle against Gizurr and Kolbeinn Arnórsson in 1238.

ment of sympathy for Gizurr on the part of the king. Gizurr's wife and sons had been burned to death in their home in 1253, when Gizurr's enemies tried to eliminate him. Moreover, Gizurr had served the king since 1229.[100]

Icelanders who had served in the king's hird in Norway, and who had a local power base, or the potential to achieve one, were put in charge of the king's domains in the period 1247 to 1261. Hrafn Oddsson had neither rendered homage nor served the king when he received Borgarfjörður in 1261. He was nevertheless the country's most powerful chieftain alongside Gizurr. Hrafn's appointment corroborates the conclusion that place of birth and a local power base may have been as decisive as hird membership for the king.

The king's policies towards Iceland, and Greenland for that matter, must be regarded in light of the domestic political situation in Norway from *c*. 1220. The Birkebeiner faction, of which Håkon Håkonsson was a product, had their core area in western Norway, and their less certain control over southeastern Norway was constantly being challenged until the 1230s. From this perspective, and the fact that the sea was the principal means of communication, it is not surprising that the consolidation of the realm of the dynasty which derived from King Sverre also comprised the Norse island communities in the southwest. Moreover, Earl Skule held the tributary lands as part of his earldom from 1217 to 1223. No real policy for Iceland can be documented before the 1240s, however. The internal political situation did not allow a focus on Iceland until Skule had been defeated in 1240.

The agreement of 1262, the judicial foundation for the king's lordship

At the same time as the king completed the process of gaining control over the Icelandic chieftaincies, he also laid a judicial foundation for royal lordship in Iceland and for relations between the Icelanders and the king. In the period 1262–64 the Icelandic farmers finally agreed to pay tax to the king and swore the oath of loyalty to the king at the Quarter Courts at the General Assembly.

Norwegian emissaries had negotiated with the Icelanders about the payment of tax since the 1250s. In 1262, Hallvard Gullsko announced that King Håkon wished for obedience and tax from the Icelandic

[100] *Ísl*, ch. 171–72, 174–79.

farmers in return for benefits and amendments to the law code.[101] He then had to negotiate with the farmers at the General Assembly, because they wished to dictate terms for swearing loyalty to the king and paying tax. In 1262 the farmers from the Northern and Southern Quarters west of the Þjórsá river swore at the General Assembly that they would render land, submission, and tax to King Hákon Hákonsson for eternity. According to *Hákonar saga Hákonarsonar* the terms for the Icelanders were written down in a document.[102] These terms and conditions were the basis for the formal relationship between the king and the Icelanders in the Middle Ages, and for this study of the judicial foundation of the king's lordship in Iceland.

Today there are a large number of extant manuscripts from the fifteenth to the eighteenth century recording the mutual rights and duties of the Icelanders and the king. The different manuscript texts are referred to as *Gamli sáttmáli, Gizurarsáttmáli*, "the act of submission", "the old covenant", or the Icelanders' agreement/treaty/pact with the Norwegian kings.[103] With a few exceptions, the texts are virtually identical. For 150 years historians have tried to date and classify the different texts by comparing the context of the texts with each other and with information from sagas and annals. When Rudolf Keyser and P. A. Munch published the first volume of *Norges gamle Love* (The old laws of Norway) in 1846, they claimed to have identified the stipulations from 1262 in two of the texts (AM 175 A, 4º and AM 45, 8º).[104] But ever since the middle of the nineteenth century the dating of the texts has led to a vigorous discussion as to which dates and political situations the different texts refer. Munch had changed his mind when

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[101] *HsH*, ch. 311.

[102] The statement that the terms were written down occurs only in *Hákonar saga Hákonarsonar* (*HsH*, ch. 190). Original text: "med slikum skildaga sem bref þat vottar er þar var epter giort."

[103] On the names of the texts and generally about the agreement of 1262, see Jón Sigurðsson, *Om Islands Statsretslige Forhold*, 1855, pp. 1–12; *DI* I 152; *NFH* IV, 1, 1858, pp. 368–69; Konrad Maurer, *Island von seiner ersten Entdeckung bis zum Untergange des Freistaats*, Munich 1874, pp. 470–80; Konrad Maurer, *De nordgermaniske retskilders historie*, 1878, pp. 86–88; Jón Þorkelsson and Einar Arnórsson, *Ríkisréttindi Íslands, Skjöl og skrif*, Reykjavík 1908; Björn M. Ólsen, "Um upphaf konungsvalds á Íslandi", *Andvari* 1908, pp. 18–88 and "Enn um upphaf konungsvalds á Íslandi", *Andvari* 1909, pp. 1–81; Knud Berlin, "Et Islandsk Skrift om Islændernes 'gamle Pagt'", *Tilskueren*, 1908, pp. 817–30; Guðni Jónsson, "Gamli sáttmáli", *KLNM* V, 1960, cols. 170–71; Jón Jóhannesson 1956, pp. 328–32; Björn Þorsteinsson and Sigurður Líndal 1978, pp. 34–40.

[104] *NgL* I, 12 A (AM 175 A, 4º) and B (AM 45, 8º), pp. 460–62.

he published the fourth volume of *Det norske folks historie* in 1858 and 1859. He redated AM 175 A, 4º, 12 A in *Norges gamle Love* I, to 1302 and the Icelanders' acclamation of King Håkon V Magnusson at the Alþingi.[105]

As a result of studies of the agreement texts, at the end of the nineteenth century there were two differing opinions as to the origin of the texts and their relative chronology. According to both schools, the shortest texts contain the conditions granted to the people of the Northern and Southern Quarters in 1262.[106] But whereas one opinion traces some of the agreement texts back to the oath sworn by the Oddaverjar, Siðumenn, and Austfirðingar later in 1262 and in 1263 and 1264, others think that the longer texts derive from the acclamation of King Håkon V Magnusson (1299–1319) in 1302. Munch laid the foundation for the latter view, which is the opinion still prevailing today. His conclusions were followed up by German judicial historian Konrad Maurer and further developed by Icelandic historian Björn M. Ólsen.[107]

Yet despite the prevailing opinion, it is not possible to establish a sure dating and relative chronology for the different texts. In any single text, as we shall see, there can be provisions that are anachronistic if they are dated to 1262, while others are anachronistic if they are dated to the fourteenth century. There have also been objections to the traditional view of the origin and internal chronology of the manuscripts. Patricia P. Boulhosa challenges the traditional view when she draws the conclusion that it is impossible to group the texts in agreement with each other or to arrive at an internal chronology

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[105] *NFH* IV, 1, p. 368, n. 1 and 2, IV, 2, pp. 358–59 and especially 359, n. 3. Cf. Konrad Maurer's comments (Maurer 1878, p. 97). The Alþingi retained its name even after it was transformed into a lawthing (ON *lǫgþing*) or regional, representative assembly in 1271–73 (cf. ch. 3, 4, 5).

[106] See *NgL* I 12 B; *DI* I 152, 153, 156. The texts in no. 152 differ from the rest because they lack some clauses that occur in the majority of the texts. Traditionally these texts have been dated to 1262, whereas the longer texts are associated today with the acclamation of King Håkon V in 1302 (e.g. *NgL* I 12 A (redated to 1302 by Munch in *NFH* IV, 1, pp. 368–69 and 2, p. 359). See Boulhosa 2005, pp. 106–10.

[107] See e.g. Jón Sigurðsson's dating of the texts to 1262, 1263, and 1264 in *DI* I 152, 153, 156. The arguments against this dating can be found in *NFH* IV, 1, pp. 368–9 and 2, p. 359; Maurer 1874, pp. 470–80. See also Björn M. Olsen 1908, pp. 59–76, where he further expands the argumentation against the dating to 1263 and 1264. Jón Jóhannesson's account of the origin and dating of the agreement of 1262 follows Munch, Maurer and Ólsen, and represents the prevailing view of the dating (Jón Jóhannesson 1956, pp. 332–38).

in the corpus of texts. Boulhosa argues that the extant texts do not represent different agreements from different years, but are a result of attempts by the Icelanders in the fifteenth century to create texts about the establishment of royal lordship in the 1260s.[108] If this is correct, it is not the provisions from 1262 that are preserved but the Icelanders' later perceptions of them.

Within the framework of this study it is not necessary to engage in a critical analysis of the origin and dating of the agreement texts. The aim here is primarily to learn whether it is possible to say anything about the kind of terms the Icelanders agreed when swearing loyalty to King Håkon Håkonsson in 1262. We shall therefore concentrate on the content and not try to create an alternative classification of the texts. Since the texts only vary to a small extent, I will treat them together as a corpus and not divide them as has traditionally been done. The question is whether some of the provisions recorded in the longer texts can be traced back to the political situation in Iceland in 1262, and hence be counted as part of the judicial foundation for the king's lordship in Iceland and the relationship between the king and the Icelanders.

According to *Hákonar saga Hákonarsonar*, the demands posed by the Icelanders were written down in a letter of witness. Testimonials of this kind were a common way to document agreements, and the majority of the agreement texts—even if they are defective in diplomatic terms—take the form of recorded testimony about what the Icelanders agreed to grant the king and on what terms. The following clauses recur in most of the agreement texts:

> The Icelanders promised the king *skattr* and *þingfararkaup*[109] as the lawbook bear witness and their duties as subjects.
> The king would let them enjoy peace and Icelandic laws.
> The king would ensure regular supplies by ship every year.
> Property left by Icelanders who died in Norway was to go to the rightful heir or await collection by his legal agents.
> *Landaurar*[110] was to be abolished.
> Icelanders would retain the best rights they had enjoyed in Norway; the king himself had offered this in his letter, and promised to keep peace with them.

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[108] Boulhosa 2005, pp. 142–44.
[109] Tax and fees paid for those who travelled to the assembly.
[110] See ch. 2 and below.

They would agree to be ruled by the earl as long as he was loyal to the king and kept peace with the Icelanders.
The king would not summon any Icelanders abroad except in accordance with the law-book or after a judgement at the Alþingi.
Only Icelanders were to be sheriffs and lawmen.

In addition, some texts specify that Icelanders who were appointed as royal officials should come from families that had previously held chieftaincies.

The texts end with a promise that the issuers and their heirs should be loyal as long as the king and his successors kept the agreement. It was to be regarded as invalid if it was broken in the view of the best men. Some transcripts record, in addition, the Icelanders' oath to the king.[111]

The majority of the clauses can be linked to the political situation in Iceland in the 1260s as we know it from the annals and sagas.[112] The wish for peace (in clause 2, above) may be purely formulaic, but it may also have been rooted in a real desire for peace among Icelanders who were tired after almost forty years of power struggles. Peace was used by the king as an argument for intervening in Icelandic affairs in the 1230s and 1240s.[113] We read in *Hákonar saga Hákonarsonar* that the king offered the Icelanders benefits and amendments to the law. The Icelanders were probably aware of King Håkon's active role in legislation and understood that henceforth it would be the king, not the chieftains, who passed laws. This clause was probably an attempt to ensure old Icelandic law or that the king's laws would be adapted to Icelandic conditions.[114]

The clause about shipping between Norway and Iceland has been ascribed great significance as an explanation of why Iceland became

[111] See *NgL* I 12 A; *DI* I 153, 156, II 177. See *DI* I 153 B, § 2 (the Alþingi) and *DI* II 177, § 6 (the law-book). *DI* I 153 B and *NgL* I 12 A both include the officials' social background, which is not mentioned in most of the texts. *DI* I 153 B additionally has the oath. See Boulhosa 2005, pp. 112–42 for an overview of the different clauses and their distribution in the different texts.

[112] My arguments, in addition to my own interpretation, are based on the conclusions of Munch, Maurer, and Björn M. Ólsen. Björn M. Ólsen's conclusions are extremely comprehensive, and his argumentation is not only more thorough but is also linked to other source material and factual history to a much greater extent than, say, Munch's (*NFH* IV 1, p. 368, n. 1, 2, IV, 2, pp. 358, 359; Maurer 1874, pp. 470–80; Maurer 1878, pp. 86–88; Ólsen 1908, pp. 59–76).

[113] See Gunnar Karlsson 2000, p. 84.

[114] See ch. 3.

a tributary land.[115] Some of the texts specify that the ships must bring necessary or useful goods to the country.[116] The Icelanders were probably dependent on Norwegian ships for maintaining contacts with Norway in the 1260s. It is difficult, however, to prove any urgent need for such guarantees in the 1260s, since traffic between Norway and Iceland was relatively extensive at this time.[117] The king nevertheless granted a similar demand from the Faroese in 1270/71. It appears likely that the Faroese got the idea from what the Icelanders had stipulated ten years earlier.

The conditions about the Icelanders' inheritance and rights in Norway and the *landaurar* are recognizable from thirteenth-century editions of *Grágás*, the thirteenth century compilation of Icelandic law. They were among the original provisions regulating the rights of the king and Norwegians in Iceland and the rights of Icelanders in Norway.[118] Since Icelanders in Norway had rights equivalent of a *hauldr* or freeholder, in accordance with older law, it is understandable that they wanted to retain older regulations in this sphere.[119] In some of the agreement texts, the Icelanders refer to the king's letter, i.e. "his letter". It is perfectly possible that they are citing King Håkon's promises of benefits, which Hallvard Gullsko brought with him in 1262.

The *landaurar* was a fee that foreigners had to pay on arrival in Norway.[120] Icelanders escaped having to pay this once again, or it was refunded to them, if they had already paid it "in the islands [the Faroes and Orkney, and possibly Man and the Hebrides] or Shetland", unless they had returned to Iceland in between. We do not know whether the inhabitants of the original tributary lands paid this fee. But since a fee paid in the original tributary lands counted as payment in Norway, this suggests that Iceland before 1262 had a different trading relationship with Norway and the king than the tributary lands. That year must have been the right time to abolish the fee.

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[115] E.g. Blom 1970.
[116] *DI* II 177, § 5.
[117] Magerøy 1993, pp. 62–79.
[118] See ch. 1.
[119] See Grethe A. Blom, *Kongemakt og privilegier i Norge inntil 1378*, Universitetsforlaget, 1967, pp. 63–66, on Icelanders' rights in Norway—including freeholders' rights—and the agreement with King Olav. See also Boulhosa 2005, pp. 66, 80–85.
[120] See ch. 1.

The condition about the earl has created problems for those who have tried to date the different agreement texts and ascertain their relative chronology; the clause is obviously associated with Earl Gizurr Þorvaldsson, who held the whole Northern Quarter and the Southern Quarter west of the Þjórsá river as part of his earldom in 1262. Gizurr was in a tricky position at the General Assembly in 1262. He was pressed between Hallvard Gullsko and Hrafn Oddsson on one hand and the inhabitants of his earldom on the other. The earl's eagerness to secure his own position may have led the inhabitants of the earldom to make demands of the king that the earl should continue to hold the earldom. Gizurr was then able to retain both the dignity and the earldom until his death.

The problem with the clause about the earl is that it is also repeated in the majority of the texts dated to the acclamation of Håkon Magnusson as king in 1302, even though it was not relevant after Gizurr Þorvaldsson's death in 1268.[121] An earldom in Iceland was retained as a possibility in *Hirðskrá* in the 1270s, even if no new earl was ever appointed.[122] This clause can upset any chain of arguments that seeks to link the date of the agreement texts to different political events. According to the prevailing view, the entire agreement from 1262 was adopted without change in the renewal of the agreement in connection with the acclamation of King Håkon V. Björn M. Ólsen underlines that, if one makes the initial assumption, as he does, that Gizurr was not earl over the whole country, it is difficult to explain the ratification of this condition in a document where the assembled people of Iceland acclaimed the king.[123] This condition may help to corroborate the conclusion that the extant agreement texts contain only a summary of the Icelanders' and the king's mutual rights and obligations. The content thus reflects the transmission and creates problems when one tries to link different texts to different political situations.

The last clauses allow the texts to be linked to the Icelanders' acclamation of King Håkon V.[124] Moreover, many of the agreement texts refer to consent from the commoners of Iceland and not the inhabitants of

[121] E.g. *NgL* I 12 A; *DI* I 153 B, § 9, 156 A–T.
[122] *H*, ch. 10.
[123] Björn Ólsen 1908, p. 59.
[124] See ch. 3 on the Icelanders' acclamation of the Norwegian kings.

the different quarters, as was the case in the 1260s.[125] The reference to "the law-book" in some texts is a clue to the dating of the clause about summonses to some time after 1273. Earlier Icelandic law was not spoken of in terms of a 'law-book', and Norwegian law was not introduced until 1271–73. The Icelanders acclaimed King Eirik Magnusson in 1281. In the same year, the late King Magnus Håkonsson's second law code for Iceland was also adopted at the Alþingi. Most scholars today agree that the Icelanders in these agreement texts refer to the provisions in the law code of 1281. On these grounds alone, the clause about summonses can be dated after 1281. The so-called "consent of the people", a text that is also dated to the early fourteenth century and the acclamation of King Håkon V Magnusson, also refers to King Magnus's law code.[126]

Summonses of Icelanders to Norway mainly caused serious problems from the 1280s onwards.[127] Before 1262–64 the king had only had the right to summon his liegemen in Iceland to Norway. They were obliged by the *Hirðskrá* to obey. However, after 1264 any Icelander could be summoned to Norway as a subject of the king. Nor can the condition about the Alþingi be used to date the clause, since the Icelandic Alþingi retained its name even after it was transformed from an althing or general assembly into a lawthing (ON *lǫgþing*) or regional, representative assembly in 1271–73.[128] The rule about the birthplace and social background of sheriffs and lawmen also cannot be traced back to the 1260s because there were no royal officials in the country in 1262–64. In addition, the Icelanders did not encounter any competition for these offices before around 1300. In 1262 there was nothing to suggest that the chieftains' position in Iceland was threatened.[129]

The content of the oath of loyalty that the Icelandic farmers swore to the Norwegian kings is known only from late copies, but it resembles the farmer oath in the Norwegian law code texts.[130] No correspond-

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[125] *DI* II 153.

[126] *DI* II 177, § 1. See ch. 3.

[127] *Asb*, e.g. ch. 65, and in connection with the adoption of *Jónsbók* and the contest about church property.

[128] See ch. 3 and 4. The lawthing was a regional assembly with representatives from the local assemblies.

[129] See ch. 4 on the first royal officials in Iceland.

[130] The Icelanders' oath is recorded, for example, in *DI* I 152 B, D. See e.g. the farmers' oath in *Jónsbók*, ed. Már Jónsson, Sýnisbók Íslenskrar Alþýðumenningar 8, Reykjavík 2004, p. 96.

fee in 1420, he also promised the common people law and justice in accordance with the Norwegian law code and the old customs.[5] We also know that Orkney had its own seal, which describes the islands as a legal community—"communitas". It was probably a combined lawthing seal and provincial seal, and there is a great deal to suggest that, like the seal of Jemtland, it can be dated to *c.* 1280. This indicates that the *Landlaw* then also applied in Orkney.[6]

Historians who have worked with Shetland after 1274 assume that the *Landlaw* was the law that applied.[7] These islands had their own lawman in 1298 and a lawthing following the Norwegian model the following year.[8] Shetland too is reported to have had its own provincial seal. Around 1307, moreover, the sheriff of Shetland conferred with the lawman of the Gulating judicial district, who was based in Bergen, about a case in progress in Shetland.[9] There are thus no serious problems in assuming that the *Landlaw* was introduced here some time between 1274 and 1299.

The Norwegian national law code remained the law of Orkney and Shetland until it was abolished by the authorities in Edinburgh in 1611.

The Faroes

King Magnus's above-mentioned amendment from 1270/71 states that "such law shall apply here as applies in the whole Gulating judicial district, apart from the section on landholding and farming [the *búnaðarbálkr*] which shall stand according to the testimony of their own book".[10] The reference here is probably to the revised edition of the Gulating law code that King Magnus Håkonsson set up *c.* 1267.[11] The question of when Norwegian law was first introduced is harder

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[5] *DN* II 691.

[6] See ch. 5 for more on the lawthing and provincial seals.

[7] See e.g. Imsen 2000, p. 173; Helle 2002, pp. 45–58; Lunden 2003, p. 307.

[8] *Sb*, p. 45 (1298); *DN* I 89 (1299).

[9] *DN* I 109. Cf. ch. 5.

[10] *NgL* IV, p. 353. The term "búnaðarbalkr" was used occasionally about the part of the law code dealing with farming, land redemption, hunting, etc. It thus corresponds to "Landsleigubálkr" in the *Landlaw*. The 2004 edition of *Jónsbók*, the law code of Iceland from 1281, which was predominantly modelled on the *Landlaw*, has two separate sections for this ("Landabrigðabálkur" and "Búnaðarbálkur"). In older printed editions of *Jónsbók*, however, the term "búnaðarbalkr" is not used.

[11] Debes 1995, p. 19.

to answer, but the amendment mentions an older Faroese law code. As in the case of Iceland, it is not unreasonable to envisage that older Faroese law was also influenced by West Norwegian law.[12] Moreover, the king had enjoyed direct lordship over the Faroes since about 1175. The amendment seems to be the result of a petition from the Faroese to the king to be allowed to keep their older laws on landholding and farming. We do not know of any ratification of a new law code in the Faroes around 1270–71. In any case, it soon became antiquated.

An exact date for the introduction of King Magnus's national law into the tributary lands is only available for Iceland. When it comes to the Faroes, we know that the *Landlaw* must have been introduced sometime after the Faroes had become a part of the future king Håkon Magnusson's dukedom in 1273, and before the duke sent his major ordinance—the so-called Sheep Letter—to the Faroes in 1298.[13] The duke's accompanying letter in 1298 shows that the Faroese had sent him a letter in which they expressed their discontent with the provisions on farming and landholding in his father's law code.[14] The duke had then sent a commission of inquiry to the Faroes to find out what was missing from the law code. Evidently, the Faroese had also been contemplating changes to the section on ecclesiastical law in the law code, but the duke had been unable to do anything about that.[15] The commission, which consisted of Bishop Erlend of the Faroes and the lawman Sigurd from Shetland, presented its report, and after the advice of his best men, the duke compiled the ordinance.

The first paragraph in the 1298 ordinance refers directly to the introduction of the *Landlaw*. The text says that the rules which followed were not in King Magnus's law code, to which the Faroese had consented at the General Assembly, the Alþingi.[16] There is thus no doubt that the introduction of King Magnus's national law code must have taken place in the period 1274–1298. Since the revised Gulating law code did not contain a section on ecclesiastical law, we can rule out the possibility that this was what the Faroese had complained about.

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[12] Cf. the next section on early Icelandic law.

[13] The Faroes and Shetland, together with parts of the Oslofjord area, Opplandene, Agder, and Ryfylke, belonged to Håkon Magnusson's duchy from 1273–1299. On Håkon Magnusson's duchy, see Blom 1972.

[14] *NgL* III, pp. 33–34; *Sb*, p. 45.

[15] *Sb*, p. 45.

[16] Ibid. See ch. 4 about the Faroese Alþingi.

An adapted version of the *Landlaw* was introduced into Iceland in 1281. This date also sheds light on its introduction into the Faroes. In 1280 King Magnus died, and his son Duke Håkon Magnusson and his guardians acquired the real control over the duchy. The complaint would probably have been directed to King Magnus if it had come before 1280. I therefore choose to date the introduction of the *Landlaw* to the Faroes after the death of King Magnus, roughly at the same time as the introduction of the new law code in Iceland.

Iceland

In Iceland, the chieftains controlled law and legislation through the Law Council of the Alþingi, where only they and their clients sat. The Law Council issued new laws and amended old ones, and it granted dispensations from the laws and chose the *lǫgsǫgumaðr* (lawspeaker). The power of legislation marked the position of the chieftains in society. Although early Icelandic law was influenced by Norwegian law, it was primarily a product of the Icelandic social order and of the chieftains' role in it.[17]

The king did not need to introduce Norwegian law in order to gain lordship over Iceland. A formal territorial lordship was achieved by following Icelandic law and custom through the acquisition of chieftaincies. In 1262 the people of the Northern and Southern Quarters demanded that the king provide them with "peace and Icelandic laws".[18] Law was thus one of the conditions the Icelanders dictated for accepting the king. Most historians have assumed that this meant that older Icelandic law would continue to apply. The establishment of the king's lordship in Iceland coincides with the first revision of the Norwegian provincial laws under royal auspices, and it is usual to assume that the two law codes compiled for Iceland by King Magnus Håkonsson correspond, respectively, to the revision of the old provincial laws and the introduction of the *Landlaw* in Norway.

The first of King Magnus's law codes for Iceland was ratified by the Alþingi in the years 1271–73.[19] It is known as *Járnsíða*, and it replaced

[17] On older Icelandic law and the role of the chieftains as legislators, see Jón Jóhannesson 1956, pp. 82–85 and Jón Viðar Sigurðsson 1999, pp. 151–56. Cf. ch. 4 on the lawspeaker at the old Alþingi.

[18] *DI* I 152 A.

[19] *IA*, pp. 258 (1270), 138, 259 (1271), 49, 68 (1272), 194 (1273); *Asb*, ch. 18, 20, 26.

earlier Icelandic law, known as *Grágás*. Although there are great similarities between *Grágás* and *Járnsíða*, there are some important differences, chiefly in connection with the formalized presence of the crown in Iceland. An analysis of *Járnsíða* shows that Norwegian provisions are in the majority, but that a large number of older Icelandic provisions are included.[20] *Járnsíða* probably had a great deal in common with the revised law code of Gulating.[21] The Alþingi, which had been an *alþing*, a general assembly where all free men met annually, was reformed into a Norwegian lawthing (*lǫgþing*), a 'regional assembly', although it retained its old name; the lawspeaker was replaced by a lawman; and the presence of royal officials, called *valdsmenn* in *Járnsíða*, was established by law.[22] The formal foundation for the government of Iceland was thus laid with *Járnsíða*.

Icelandic historians have claimed that, even though Norwegian law was introduced in 1271–73, Iceland did not belong to a legal community that included the Faroes, because there were great differences between the revised law code of Gulating and *Járnsíða*. They also point out that the revised Gulating law was adopted in its entirety and without changes in the Faroes.[23] Yet, as we have seen, this was not the case, as the section on landholding and farming in the Gulating law did not apply in the Faroes.

The Icelanders were not satisfied with King Magnus's law code, even though it was compiled with Icelandic conditions in mind, presumably on the advice of Icelanders. In 1271, the Alþingi accepted only the "Þingfararbálkr" (the section regulating the selection and numbers of local representatives to the lawthing), two chapters of the section on inheritance, and the provisions about *þegngildi*. In the following year, Bishop Árni Þorláksson of Skálholt received a letter from King Magnus stating that he would give the bishop his support in his struggle to secure church ownership of Icelandic church property, if the bishop urged the Icelanders to accept the king's law code. That year the entire

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[20] It is mainly the section on *þingfararkaup*, with the guidelines for the lawthing that distinguishes *Járnsíða* from *Grágás*. Cf. Magnús Már Lárusson, "*Járnsíða*", *KLNM* VII, 1962, col. 568, where the law codes are compared. See also Björn Þorsteinsson and Sigurður Líndal 1978, pp. 41–43, 49.

[21] Magnús Már Lárusson, "*Járnsíða*", *KLNM* VII, 1962, col. 567.

[22] *NgL* I, pp. 259–61. *Valdsmaðr* (pl. *valdsmenn*) should be understood as a man with *vald* or power, that is, legitimate authority. Cf. ch. 4 on the first sheriffs and the introduction of the lawthing in Iceland.

[23] Ólafur Lárusson, *Lov og ting*, transl. Knut Helle, Bergen and Oslo 1960, p. 77.

law code, with the exception of the section about inheritance, was ratified at the Alþingi. The section on inheritance was not adopted until 1273, with support from Bishop Árni and the king's local sheriffs.[24]

P. A. Munch claims that the Norwegian king did not achieve formal lordship in Iceland until Norwegian law was introduced in 1271–73.[25] However, as we have seen, royal lordship was established just before the crown began its work of coordinating the laws of the realm. King Magnus must have wished to make the law apply to all the lands he ruled. Although royal lordship had already been introduced, we can say that it became operative and regulated through the new law code.

The right of the regional assemblies to ratify new laws is well known from Norwegian sources. In King Håkon V Magnusson's ordinance on the law of succession and regency from 1302, this practice is expressed together with the view that the king was given the right to issue laws by the people.[26] The idea of consensus was strong, and we also see it in connection with the legislation on the hird.[27] We do not know, on the other hand, whether the assemblies' right of ratification was always heeded. At any rate, the king found it necessary to include the formula in law codes and amendments as late as the reign of King Håkon V (*d.* 1319). The ratification of *Járnsíða* by the Alþingi cannot be regarded exclusively as an expression of the Icelanders' rights *vis-à-vis* the king, but it shows that the adoption of laws in Iceland followed the same procedure as in the rest of the realm.[28]

The year after *Járnsíða* was finally adopted by the Alþingi, the *Landlaw* was adopted by the Norwegian regional assemblies. In 1280, King Magnus's national law code was sent to Iceland in an edition adapted to Icelandic conditions, on the order of his son, King Eirik Magnusson (1280–1299). The law code was later given the name *Jónsbók*, after the lawman Jón Einarsson, who had been entrusted with the task of bringing the code to Iceland. He travelled to Iceland along

[24] *Asb*, ch. 26.
[25] *NFH* IV, 1, p. 370.
[26] Helle 1972, pp. 249–50; *NgL* III, p. 45.
[27] Benedictow 1972, 241, 247; Imsen 2000b, p. 216.
[28] The ratification of the national law was not the king's open letter (the prologue), but its adoption by the people at each lawthing in each jurisdiction. The adoption of the law is recorded, for example, in the *Landlaw, NgL* II, p. 178. Cf. Absalon Taranger, *Udsigt over den norske rets historie* I, Christiania, 1898, pp. 50–51, and Helle 1972, pp. 166–69.

with the Norwegian emissary Lodin Lepp. The law code was first presented to the Alþingi for ratification in 1281.[29]

Today the extant editions of *Jónsbók* are among the most important sources of the *Landlaw*, even though the law code that was sent to Iceland in 1280 differed from the one that was adopted at the regional assemblies in Norway six years earlier. Like *Járnsíða, Jónsbók* includes older Icelandic provisions in addition to Norwegian law. Icelandic historians have analysed the provisions in a quest to identify older Icelandic and Norwegian laws, and have concluded that the earlier Icelandic rules are mainly found in the sections on inheritance and landholding and farming. Norwegian law dominates in the "Þingfararbálkr" and in the sections about ecclesiastical law, with rules on inheritance, *mannhelgi*, and theft.[30] Even though attempts were made by the king to adjust the law code to Icelandic circumstances, Norwegian law dominates to a much greater extent than in *Járnsíða*. The reactions were not slow in coming.

In 1281 the Icelanders had had almost a year in which to acquaint themselves with the content of *Jónsbók* and prepare for its ratification. The people attending the Alþingi were divided into three groups to discuss the content of the new law code: the clergy with Bishop Árni and his lay supporters; the liegemen; and the farmers. Relations between the church and the crown and opinions as to who should draw up the ecclesiastical law had consequences for the reactions, chiefly from the clergy headed by Bishop Árni. In addition to protesting against the rules which ran counter to the bishop's own ecclesiastical law code (ratified by the Alþingi in 1275) and which led to a loss of revenue for the church, Bishop Árni also singled out the severe punishments, the rules on inheritance, and a good deal of the rules about landholding. The farmers, however, decided to leave the issue of the ecclesiastical law to be decided by the king and the archbishop. Their comments mainly concerned the rules on inheritance and the section on landholding and farming. The farmers moreover demanded the right to propose changes to the law if they should prove necessary. This last wish, as we shall see, was in line with the king's perception of what a legal community was in practice.

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[29] *IA*, pp. 50, 195, 337 (1280, 1281); *Asb*, ch. 57, 61–65.

[30] Magnús Már Lárusson, "Jónsbók", *KLNM* VII, 1962, cols. 612–17; Björn Þorsteinsson and Sigurður Líndal 1978, p. 49. *Mannhelgi* refers to a free person's right to peace, inviolability and personal security (Karl Wührer, "Manhelgd", *KLNM* XI, 1966, cols. 316–20).

The protests were recorded and the objections of the groups were announced in the *lǫgrétta*, which was no longer a law council but rather a court of law, following the Norwegian lawthing model. Lodin Lepp, the experienced Norwegian emissary responsible for the adoption of the law code, reacted to the Icelanders' objections, pointing out that it was the king, not the farmers, who issued laws in the country. He demanded that the common people accept the whole book without alterations. When the thing representatives replied that they would not give up the country's freedom, that is to say, the right of the people, Lodin explained to them how they could have the law code amended. In accordance with the procedure described in King Magnus's prologue in *Jónsbók*, Lodin explained that the Icelanders first had to accept the entire law code and then ask the king for his advice and grace in the sections and paragraphs where they thought changes were necessary.

In 1281, the Alþingi was held in the shadow of the power struggle that had just started between Archbishop Jon of Nidaros and King Eirik's guardians in Norway. The archbishop had threatened the Icelanders with excommunication if they did accept the law code.[31] The assembled people thus felt a pressure from both sides as a consequence of the disagreement between the crown and the church. They faced the threat of punishment regardless of how they acted. It ended, however, with the adoption of the whole law code with the exception of the chapters that the liegemen thought should be settled by a ruling by the king and the archbishop. With nine votes against, the law court adopted the law code with a show of hands. Lodin's success is explained in *Árna saga biskups* by the fact that the common people gave way to the superior power of the king's men. The nine who had voted against, and thus lent their support to Bishop Árni, felt the force of Lodin's displeasure, and it ended with the king's officials having to mediate between the king's influential emissary and Bishop Árni. Lodin had full authority to negotiate on behalf of the king, and a settlement was reached with Bishop Árni, among other things, on the question of fines. They also drew up a petition to the king about several of the regulations that had been debated at the Alþingi.[32]

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[31] *Asb*, ch. 63. See below on the conflict between the church and the crown.

[32] *Asb*, ch. 63, 65. With the exception of Guðni Jónsson in *Byskupa sögur* 1, p. 369, the editiors of the most recent editions of *Árna saga biskups* do not point out that although the text mentions nine men, only eight names are listed in the text. A fact Guðni Jónsson indicates by adding "…" after the eight name.

Unlike the Faroes, Iceland did not adopt the national law unchanged. *Jónsbók* was adapted to Icelandic conditions. On the other hand, the Faroese were also, in a way, given their own section on landholding and farming in the form of Håkon V's major ordinance of 1298. Over time, the new national law was adjusted to older local law and custom in parts of Norway as well. The attitude of the crown to judicial unity was thus pragmatic. However, the similarities between the *Landlaw* and *Jónsbók* are so great that we can say that from 1281 Iceland was part of a legal community with Norway. That community also included Orkney, Shetland, and the Faroes. Although the tributary lands were not part of Norway, in a judicial sense they were part of the kingdom, with the same status and rights as any Norwegian judicial district.

The fact that the national law also became applicable in the tributary lands underscores the unique character of King Magnus's legislative project by European standards: the *Landlaw* was not just one of the first "national" law codes, but one of the very first royal law codes that applied to a whole kingdom, both the core area and the periphery. This development substantiates the thesis that the state-formation process had come a long way in Norway in the latter half of the thirteenth century, and that it had the same consequences in the tributary lands as in Norway.

Legislative authority

> You know that the wisest men in Iceland have constantly told us that you have been informed that we are amending most of the law codes in the kingdom of Norway with the advice of the best men, and have asked us not to omit their book in the revision.

This is how King Magnus the Lawmender introduces the new law code that was sent to the Icelanders in 1280, and he continues:

> But you should know that we have also previously thought well, and especially now when you have trusted so much in our providence, that you have allowed us to construct the whole [law code], so that we could remove and add what we found most suitable, with the advice of the best men. And therefore, we have now been examining it constantly for a while, and it seems to us that in many places it could be made fully decisive with fewer words, where before it used many superfluous words. But in some places, it truly required additions, where it was in no way as clear as many people with little knowledge required. Although we now feel highly incompetent for such great work, we have nevertheless had

> this code written, which we send to you with Sir Jón the lawman, in the state in which the code now is, trusting in the mercy of Our Lord Jesus Christ and the intercession of the Holy Mary and the Holy King Olav and the guidance we have received from the wisest men with us. But in order that you should better understand why we have arranged the sections as they are now, we hereby give you the following exposition.[33]

The prevailing opinion is that the lawthings in the tributary lands had a certain power of legislation in "local matters". Thomson consequently assumes that the legislative function of the Orkney lawthing may have been limited to the regulation of farming and the like, and that it is more a case of local decisions than of legislation.[34] The real legislative authority lay with the king. The lawthing in Shetland is also thought to have retained a certain degree of legislative authority in local matters, although this cannot be demonstrated for the period up to 1400.[35]

In the Faroes, as we have seen, legislation lay in the king's hands by around 1270 at the latest. The Faroese seem to have accepted this, and they knew how to go about having changes made to the law. Debes assumes that the Faroese lawthing could issue legal regulations without royal approval. We have examples of this from around 1400, when the Faroese lawthing set the fee to be paid for those travelling to the assembly.[36] Although the Faroese assembly did not have any independent legislative authority, the amendment of 1270/71 and the 1298 ordinance show that the Faroese had the ability to influence the legislative process and the content of the law. Before the ordinance of 1298, Duke Håkon dispatched a commission to investigate the situation and, as we read in the letter accompanying the ordinance, "presented their report on behalf of the common people" to the duke. The Faroese were thus consulted about the content of the ordinance.

It has been commonly claimed that the Alþingi in Iceland retained legislative functions even after the old General Assembly had become a lawthing.[37] The Law Court was delegated authority to interpret and

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[33] *Jb*, p. 77. Translation by A. Crozier based on the 2004 edition of *Jónsbók* and the *Landlaw* in Absalon Taranger's translation (*Magnus lagabøtes landslov*, 1979).

[34] Thomson 2001, p. 186.

[35] Cf. Imsen 2002b, p. 70.

[36] Debes 1995, p. 50; *DF*, A, III.

[37] Björn Þorsteinsson and Sigurður Líndal claim that the Alþingi also had legislative functions after 1271. But their account makes it clear that they are referring to the right of the Alþingi to give consent and its ability to issue local ordinances and supplements to the law code. (Björn Þorsteinsson and Sigurður Líndal 1978, pp. 66–70).

supplement *Jónsbók* on certain matters.[38] Yet there is no doubt that the king exerted legislative authority over the country. We see this in practice in connection with the compilation and adoption of Bishop Árni Þorláksson's ecclesiastical law for Iceland in the period 1273–75.[39] There had not been any section on ecclesiastical law accompanying *Járnsíða*, because the king and the archbishop disagreed about the extent of the church's jurisdiction. And as we know, Archbishop Jon was able in 1269 to stop King Magnus from including the ecclesiastical law in the revision of the law code of the Frostating judicial district. It was in many ways this that led to the king's new policy on legislation, so that instead of continuing the revision of the provincial law codes he decided to make a law code that would apply to the whole country.[40]

Bishop Árni had sought the advice of the archbishop as to how he should proceed and what the ecclesiastical law should consist of. However, when Bishop Árni's ecclesiastical law was adopted at the Alþingi in 1275, it was not approved in its entirety, because the common people wanted to wait until the king and the archbishop had decided what the individual chapters should contain. The hesitation of the Icelanders shows that they knew they were in a difficult situation. It ended with the bishops, the sheriffs, and the liegemen in Iceland sending King Magnus a letter informing him about the adoption of the law. The letter contained a reservation, namely, that the ecclesiastical law code of Árni should only apply until the king and the archbishop had drawn up another ecclesiastical law or changed it. In his reply to the Icelanders, King Magnus specified that drawing up an ecclesiastical law code and other law codes in the realm was a task for him and the archbishop, and no one else. He was convinced, however, that they had acted with the best intentions when they adopted Bishop Árni's law code. Bishop Árni then replied by informing the king that his ecclesi-

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[38] Cf. § 16 in King Eirik Magnusson's amendment for Iceland from 1294 (*Jb*, p. 310).

[39] On Bishop Árni's ecclesiastical law, see *Asb*, ch. 21, 29, 32, 38, 39; *DI* II 57; Arne Bøe, "Kristenretter", *KLNM* IX, 1964, cols. 297–304; Magnús Már Lárusson, "Kristenretter. *Island*", *KLNM* IX, 1964, cols. 304–306; Magnús Stefánsson, "Frá goðakirkju til biskupskirkju", transl. Sigurður Líndal, in Sigurður Líndal (ed.), *Saga Íslands* III, Reykjavík 1978, pp. 150–54.

[40] On the conflict about the king's and the church's jurisdiction, see Lars Hamre, "Jurisdiktion. *Norge*", *KLNM* VIII, 1963, cols. 37–41. On jurisdiction in Iceland, see Magnús Már Lárusson, "Jurisdiktion. *Iceland*", ibid., cols. 42–43. See also Erik Gunnes, "Kirkelig jurisdiksjon i Norge 1153–1277", *HT* 49, 1970, pp. 121–60; Magnús Stefánsson 1978, pp. 120–22.

astical law code had been sent to Norway precisely so that the king and the archbishop could examine it more closely and improve it.

King Magnus seems to have tolerated Bishop Árni's legislative activities after a fashion, and in 1275 both the bishop and the Icelanders were fully aware that legislation was the domain of the king—and in the case of ecclesiastical law—also of the archbishop.[41] The resistance that Lodin Lepp encountered when he presented the new law code to the Icelanders in 1281, and his argumentation for the king's legislative power, perhaps shows that the Icelanders had not yet become wholly accustomed to a king with such great ambitions and such great self-assurance in the field of legislation as Magnus Håkonsson.

Yet even if the king had the actual monopoly on legislation in secular matters, the Icelanders—like the Faroese—were not without influence on the legislative process. First of all, Icelandic lawmen had presumably taken part in the work of compiling the two law codes. The Icelanders also took the initiative in drafting and demanding amendments. Even after 1281 the king used advisers and local informants when drawing up new laws for Iceland. King Eirik's amendment for Iceland from 1294 shows that the Icelandic lawman Þorlákr Narfason had given advice about the areas in which *Jónsbók* needed improvement to suit the Icelanders.[42] The people of Iceland thus became accustomed to the royal procedure for legislation. The competence of the Alþingi was subsequently confined to consenting to and adopting new regulations drawn up by central authorities, or accepting instructions and ordinances based on *Jónsbók* or other statutory provisions by the king.

Special legislation

The Faroes, Orkney, and Shetland

The introduction of the national law in the tributary lands simultaneously created a need for special legislation. The king's far-flung realm was anything but uniform as regards social and economic conditions,

[41] A king's emissary said in 1278 that he would agree to the bishop bringing up cases at the district things in accordance with the new ecclesiastical law as long as they were matters that were mentioned in the old ecclesiastical law (*Asb*, ch. 49).

[42] It is assumed that Sturla Þórðarson, formerly a lawspeaker, had given his advice in connection with *Járnsíða* and that the lawman Jón Einarsson, who also gave the law code its name, had acted as adviser for *Jónsbók* (Jón Jóhannesson 1958, pp. 17, 21). On Þorlákr the lawman's advice, see *Jb*, p. 309.

to say nothing of historical and political traditions. The kings were well aware of this, and as we have seen, they were prepared to listen to suggestions from their new subjects. The Faroese thus received an extensive supplement to the national law in 1298, and Bishop Árni in Iceland gained some kind of acceptance for his ecclesiastical law code.

A comparison of the content of the section on landholding and farming in the national law with Duke Håkon Magnusson's ordinance of 1298 explains why the Faroese had requested new regulations; the ordinance is rightly known today as *Seyðabrævið*, literally the "Sheep Letter".[43] It mainly deals with the problems that sheep farming could pose, and which the relevant section in the *Landlaw* was inadequate to solve. On the other hand, this section had detailed regulations on the hunting of bear, wolf, and elk, animals not found in the islands.[44] Depending on when the national law was introduced in the Faroes, it took somewhere between seventeen (1281) and twenty-four (1274) years to obtain a supplement to the section on landholding and farming. The letter accompanying the "Sheep Letter", also reveals that the inhabitants' wishes were not always heeded: Duke Håkon says that he cannot amend King Magnus's section on ecclesiastical law as the Faroese had requested.

The scant source material from the Faroes makes it impossible to draw any firm conclusions about the development of the law there. The material is sufficient; however, it illustrates that even if there was formally judicial unity in the king's realm, in reality diversity prevailed. The special legislation made it possible to retain some older laws in the tributary lands even after Norwegian law had become valid in principle. We have no examples of special legislation from Orkney and Shetland, but we know that, in Orkney too, the law code was supplemented with amendments and ordinances. In a petition to Queen Filippa from 1425, the Orcadians refer both to older provisions and customs, and to special amendments and ordinances for the islands, which had been ratified in connection with the acclamation of King Olav Håkonsson.[45] Presumably, there were special laws among these documents.

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[43] See *Sb*, p. 3.
[44] *ML*, "Landsleiebolken", pp. 110–61.
[45] *DN* VI 423; *REO*, no. XIX; cf. Imsen 1994, p. 272.

Iceland: old rights and new amendments

Since both *Járnsíða* and *Jónsbók* were specially adapted to Icelandic circumstances and needs, the law codes are themselves examples of special legislation. A tradition of special legislation was already established with the introduction of Norwegian law, whereby local needs, and not just the law that applied to the whole kingdom, steered the content of the law.

As in other tributary lands, for Iceland, too, there are several amendments, ordinances, and royal letters supplementing the provisions in *Jónsbók*. After the adoption of *Jónsbók* in 1281, a petition was sent to the king asking for amendments to the law. The letter was not written by the common people of Iceland, but by Bishop Árni and the king's officials, albeit based on discussions at the Alþingi.[46] The law code manuscripts that are preserved for posterity tended to belong to the lawmen, and in addition to *Jónsbók* proper, they contain a great many amendments and ordinances from the king.[47] The first known major addition to *Jónsbók* occurred in 1294—an amendment that is almost exclusively about farming matters, especially sheep farming.[48] The section on landholding and farming, virtually identical in the *Landlaw* and *Jónsbók*, had evidently caused problems in Iceland, too. Several of the demands from 1281 were satisfied by the 1294 amendment.[49] In 1305 and 1314, there were major new additions to *Jónsbók*.[50] Besides amendments especially issued for Iceland, general amendments for the whole kingdom were also made applicable to Iceland.[51]

There are no references to the agreement of 1262 or its content in the thirteenth-century sources, apart from the notice in *Hákonar saga Hákonarsonar*. The Icelanders swore an oath to the brothers King Eirik and Duke Håkon in 1280–81, but neither *Árna saga biskups* nor the records in the Icelandic annals, the main sources to both Icelandic and Norwegian political developments from *c.* 1270 to 1290, mention any demands from the Icelanders on that occasion, despite the fact that the

[46] *Asb*, ch. 65.
[47] The amendments to *Jónsbók* have most recently been printed in the 2004 edition of *Jónsbók*.
[48] *Jb*, pp. 309–13.
[49] Björn Þorsteinsson and Sigurður Líndal 1978, p. 46. On the demands that were made, see *Asb*, ch. 62, 63, 65.
[50] *Jb*, ibid.; *IA*, pp. 196, 200–201 (1305), 203 (1314).
[51] E.g. *DI* II 184, 200.

acclamations of kings allowed such approaches to be made.[52] In the fourteenth century the Icelanders swore loyalty to Norwegian kings in 1302 (Håkon V Magnusson), 1320 (Magnus Eriksson), 1377 (Håkon VI Magnusson), and 1383 (Olav Håkonsson).[53] Erik of Pomerania was acclaimed as king of Norway in 1389. It is not known whether he was also acclaimed by the Icelanders in that year. What is certain, however, is that he was acclaimed by the Icelanders in 1412.[54]

The acclamation in 1280–81 took place at the local assemblies. As in the 1250s and 1260s, it was an emissary from Norway (Lodin Lepp) who received the oath on behalf of the king. However, he was accompanied by the Icelandic lawman Jón Einarsson.[55] Besides the ceremony at local assemblies, it also seems as if Icelanders took part in the acclamation of kings in Norway, in a way similar to the representatives of the Norwegian judicial districts. In 1299, twelve farmers and twelve liegemen were summoned to Norway, probably in connection with the acclamation of King Håkon V Magnusson. The Icelanders later swore their loyalty to King Håkon at the local things. In 1319, several Icelanders were likewise summoned to Norway to acclaim the new king.[56] From the acclamation of King Håkon V Magnusson in 1302 onwards, the duty of accepting the local acclamation of the king was discharged by his chief official in Iceland.[57] The king was also acclaimed by the Law Court at the Alþingi, from 1377 at the latest.[58]

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[52] *Asb*, ch. 61–62; *IA*, pp. 141, 260 (1280–81).

[53] Håkon V, *IA*, pp. 52, 73, 147, 199, 388 (1302); Magnus Eriksson, *IA*, pp. 152, 267, 395 (1320); Håkon VI, *IA*, pp. 281, 364 (1377); Olav, *IA*, pp. 282 (1382), 414 (1383); Erik of Pomerania, *DI* IV 330 (1419). Björn Þorsteinsson and Guðrún Ása Grímsdóttir date the acclamation of Olav Håkonsson to 1383 (Björn Þorsteinsson and Guðrún Ása Grímsdóttir 1989, p. 245).

[54] *DI* IV 330. See Björn Þorsteinsson and Guðrún Ása Grímsdóttir 1989, pp. 245–46, on the acclamation of Erik. A note in an annal mentions the succession in 1389 and records that the Norwegians, especially the people in the tributary lands, did not like the new king (*IA*, p. 418 (1391)). Erik of Pomerania was acclaimed in Norway in 1405 in connection with the declaration of his coming of age. (Steinar Imsen, *Arv, annammelse, valg*, Universitetsforlaget 1972, p. 61).

[55] *Asb*, 61–62.

[56] *IA*, p. 394; *Lsb*, ch. 31.

[57] On the summonses, see *IA*, pp. 262, 386. It is not possible to determine who was given the task of arranging the acclamation of King Håkon V in Iceland, but it was probably the sheriff Alf of Kroken, who probably had a superior function among the king's local representatives (*IA*, pp. 52, 73, 147, 263). In 1320 it was Ketill Þorláksson, the king's governor, who took charge of the local acclamation in Iceland (*IA*, pp. 152, 267, 395; *Lsb*, ch. 34).

[58] In 1377 the king was acclaimed at the Alþingi by the Law Court after the king's letter had been read out, and then by the common people of each sheriffdom (*IA*,

Corresponding local acclamations were probably common in the other tributary lands as well. As we have seen, the Orcadians refer to one such ceremony in their complaint to Queen Filippa.

While we have no extant record of the Icelanders having made any demand in return for acclaiming King Eirik in 1280–81, we know that demands were made in the fourteenth century. The difficulties of the sources that I described in connection with the Icelanders' demands in 1262 also apply to the acclamation of King Håkon V, since it is the same corpus of texts that is used. Because my only aim is to ascertain how significant the demands from 1262 were for relations between the king and the Icelanders, we shall not undertake any critical analysis of the different agreement texts that record the demands put to King Håkon V; instead, we shall look for general tendencies.

We have already seen some of the challenges encountered by historians when they have tried to link the different agreement texts to political events. Historians have also tried to linked different texts to the acclamation of King Håkon V. The texts, however, are very similar and repeat the regulations that we have previously looked at.[59] One text should nevertheless be considered more closely, namely, the one known as "The Consent of the Common People". There the Icelanders complain that too few—or none at all—of the promised goods had been sent to the country and that too much was exported. They also complain about all the new impositions by the king.[60] This is one of the more comprehensive agreement texts. Based on the regulations about summonses and the birthplace of officials in "The Consent of the Common People", and supplemented with data from the annals, Björn M. Ólsen constructs a political development from 1299 to *c*. 1314 characterized by the Icelanders' discontent with King Håkon's

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p. 281). In 1383 the acclamation also took place at the Alþingi (*IA*, p. 414), and in 1419 it was twenty-four men, including the governor and both the lawmen, who ratified the Icelandic people's acclamation of King Erik (*DI* IV 330).

[59] Most scholars use the manuscript AM 148, 4º, printed as *NgL* I 12 A and *DI* I 153 B as the Icelanders' letter of acclamation for King Håkon V. Cf. *NFH* IV, 1, pp. 368–69; 2, p. 359; Maurer 1874, pp. 470–80; Maurer 1878, p. 97; Ólsen 1908, pp. 59–76. However, Jón Jóhannesson 1958, pp. 49–50; Björn Þorsteinsson and Sigurður Líndal 1978, p. 84, and *DI* II uses AM 137, 4º, as the letter of acclamation. Also preserved is a letter of consent from the thingmenn, which is associated with the actual acclamation (*DI* VIII 2; Ólsen 1908, p. 77).

[60] "The Consent of the Common People" is printed as a letter of acclamation to King Håkon V in *DI* II 177. See Björn Þorsteinsson and Sigurður Líndal 1978, pp. 84–87 for the dating. See *DI* II 177, § 4 on the Icelanders' discontent.

increased tax demands and his use of Norwegians as officials in Iceland. Resistance to the king seems to have culminated in 1306, when the farmers sent their "consent" to the king.[61] The text has also been dated to some time before 1302, but Ólsen's chronology is the one that has prevailed, even though it presupposes a discontent with King Håkon's policies that cannot be satisfactorily documented.[62]

Despite the serious challenges associated with "The Consent of the Common People", we can at least say that the Icelanders made demands in return for swearing loyalty to King Håkon V, and that they were discontented with the fact that previous promises by the king had not been kept. We simultaneously gain the impression that the king did not attach the same weight as the Icelanders did to his promises and the agreement of 1262.

There is an interesting correspondence between the reference to former kings' promises in "The Consent of the Common People" and the demands the Icelanders made in return for acclaiming Magnus Eriksson in 1319, Håkon VI Magnusson in 1377, and Erik of Pomerania in 1419. The letter acclaiming King Magnus has not survived, but a letter from the common people of Iceland to the king's councillors in Norway shows what the Icelanders demanded. In 1319 an emissary from the Norwegian Council of the Realm asked the Icelanders to swear the same oath to King Magnus Eriksson as their ancestors had sworn to King Håkon V;[63] in their response the Icelanders said that would not swear any oath until they had received guarantees from the councillors that the king would stand by his previous promises. The Icelanders threatened to absolve themselves from their obligations if the promise of ships and goods was not kept. The content of the Icelanders' letter to the king's councillors is very like that of "The Consent of the Common People". We do not know how the councillors reacted to the demands, but the Icelanders were probably given guarantees, for the following year, the king's chief official in Iceland visited the local assemblies to accept the Icelanders' oath of loyalty to King Magnus.[64]

The document known as *Skálholtsamþykkt* from 1375 seems to be a draft of the demands the Icelanders agreed to put to King Håkon VI

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[61] Ólsen 1908, pp. 76–90. Ólsen's account is also in Jón Jóhannesson 1958, p. 54 and Björn Þorsteinsson and Sigurður Líndal 1978, pp. 82–86.

[62] See Ólsen 1908, p. 78.

[63] *DI* II 343.

[64] *IA*, pp. 267, 345.

in connection with his acclamation, which did not take place until 1377. The Icelanders declare, among other things, that they wish to keep their promises to the kingdom and be ruled by the laws in their own law code and in amendments. With one exception, the demands cannot be traced back to 1262, the exception being the demand that only Icelanders should be sheriffs and lawmen.[65]

In 1419, Erik of Pomerania was acclaimed at the Alþingi at Þingvellir. In the letter of acclamation, the Icelanders ask for respect for their law code, and the promises their forefathers made to the king's forefathers, the true kings of Norway, about taxes and the obedience of the country. In return, they ask the king to keep peace with them and maintain the law, and to let them retain the amendments previously granted to the country by the crown and kingdom. The letter does not repeat the content of the Icelanders' previous amendments in their entirety, but their reference to the 1262 agreement is clear from the following: the Icelanders mention that the king has sent them a letter forbidding them to trade with foreign merchants. The Icelanders' special amendments, however, say that six ships were to come each year from Norway. Since this promise had not been kept, they were forced to trade with foreigners.[66]

In "The Consent of the Common People", the letter to the councillors in 1319, the demands from 1375, and the letter of acclamation from 1419, the Icelanders refer to previous agreements, promises, and amendments, and to guarantees for following up how the promises were honoured. The demand was that a new king acceding to the throne should confirm the regulations that had governed relations between the kingdom and the Icelanders since 1262. The Icelanders could also make new demands of the king when they acclaimed him. They probably received such guarantees. Although the Icelanders received guarantees and amendments, the kings did not always honour their promises. On several occasions, the king tried to raise taxes.

[65] This text poses great challenges for source criticism, for instance as regards the dating. In *DI* II 189 the text is dated to 1306, whereas in *DI* IX 7 it is redated to 1375. I prefer the date 1375, chiefly because one of the provisions refers to leasehold sheriffdoms, which cannot be documented in Iceland until after 1354 (cf. ch. 9). See also Jón Jóhannesson 1958, pp. 58–59; Björn Þorsteinsson and Guðrún Ása Grímsdóttir 1989, pp. 243–44.

[66] *DI* IV 330.

In contrast, the demands concerning local officials were honoured to a greater extent.[67]

But it was not only the Icelanders who received guarantees from the king in the form of amendments. We have seen that Olav Håkonsson ratified the Orcadians' laws and amendments. All these amendments and ratifications may be regarded as part of the special legislation regulating the relationship of the kingdom as a whole to the individual tributary lands.

There was thus a close connection between the judicial foundation for royal lordship over Iceland and the king's legislation. Ólafur Lárusson thinks that the adaptation of the law codes can be viewed as a sign that Iceland was a separate and independent judicial community and that Iceland in this respect differed from the other tributary lands.[68] But special legislation and regard for local needs and traditions were characteristic features of the king's legislation, which was used throughout the realm.[69] Providing laws for the inhabitants of the realm was one of the fundamental tasks for a monarch in the thirteenth century. Even though there was, in principle, judicial unity in the Norwegian king's realm after 1281, there was diversity in practice. The king displayed a pragmatic attitude to the law, showing great consideration for local circumstances and arrangements. Judicial unity in practice could hardly have been achieved in a kingdom comprising such widely different geographical and historical conditions as the Norwegian king's realm.

Conclusion

Royal legislation in Norway thus had direct consequences for the tributary lands as well, in the sphere of civil law as well as the administration of justice and the hird.

From 1281, Norway and the tributary lands were in principle a judicial unit. Yet this was a unity with variations. Within the framework of a common law code for the realm, the tributary lands retained a degree of judicial individuality, and the king seems to have had a pragmatic and practical attitude to law and justice. It was important to find

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[67] Cf. ch. 5–7.
[68] Ólafur Lárusson 1960, p. 77.
[69] Imsen 1990, p. 38.

solutions that worked in practice. The system required communication and consensus. Moreover, special legislation gave the inhabitants of the tributary lands an opportunity to maintain older original laws and customs, albeit in royal guise. This policy would prove to be so successful that the national law, and the entire social order resting on the law, would survive in the tributary lands long after the Norwegian crown withdrew. In Orkney and Shetland, Norwegian law was valid until 1611, and in Iceland *Jónsbók* remained in place until the start of the nineteenth century. Even today, there are still remnants of Norwegian law in the northern islands of Scotland.

Although the king could delegate the regulation of some local matters to the regional assemblies, in practice it was the king who issued laws throughout the period studied here. No one in the tributary lands questioned the king's legislative authority as a principle. It was regarded as part of his territorial lordship. The task of the assemblies was to consent to the new laws the king sent them. At the end of the thirteenth century, the Norwegian king was one of the few monarchs in Europe who had a real monopoly on secular legislation. Most kings had to compete with local princes and nobles in this sphere. The monopoly should not be understood as a parallel to the legislative sovereignty of absolute monarchs. Medieval kings were never above the law. Magnus Håkonsson's legislative authority should be understood in principle as the king's right to improve the law. Ever since the time of Magnus Erlingsson and Sverre Sigurdsson (1164–1202) kings tried to gain support for real legislative changes in the people's traditional perception of law, among other things by referring to St. Olav's law, as we see for instance in *Grágás*. The saintly king of Norway was associated with an ideal state of justice. In the thirteenth century too, kings dressed their legal reforms in the ideology of ancient legislation by referring to St. Olav's law.[70] During the High Middle Ages, there was a change in approach, and in the foundation for legislation in the Norwegian king's realm, to such an extent that "we" in the law books from the 1260s onwards no longer referred to the lawthingmen or

[70] The reference to Olav the Holy alludes to the belief that Norwegian kings swore an oath to amend the law of which King Olav laid the foundation. See e.g. the king's oath in the *Landlaw, NgL* II, p. 29 and *H*, ch. 3. See also Knut Helle, "Rettsoppfatninger og rettsendringer: Europa og Norge i middelalderen", Geir Atle Ersland *et al.* (ed.), *Festskrift til Historisk institutts 40-års jubileum*, Bergen 1997, 64–66.

representatives (ON *lǫgþingismenn* or *nefndarmenn*) as in the provincial laws, but to the king in the majestic plural.[71]

The work of the Norwegian kings to build a legal community for the entire realm must be viewed in the context of developments not just in the kingdom of Norway, but also in kingdoms elsewhere in Europe at the same time. In kingdoms with strong governments, such as England and Sicily, ideas of a royal monopoly on legislation were explicit.[72] The king's sole right to legislate was one result of these ideas, on which Norwegian kingship in the High Middle Ages was also based.

Earlier studies of outside rule also show that the introduction of the law of the core area and the centralization of legislation was an instrument that kings used in order to establish or increase their power over the realm's border zones. In England the law was a recognized political tool, and the crown employed lawyers so that they could make optimal use of the law and expand it in pace with the monarchy's needs. King Edward I (1272–1307) is regarded as the chief legislator at the end of the thirteenth century. The conquest of Wales in 1282 gave him a chance to demonstrate his talents. English law and justice were introduced for the first time in Wales in 1284, but the revision was already foreshadowed by King Edward before the final conquest was completed in 1282. The Statute of Wales of 1284 was a result of studies of Welsh law by the king and his juridical advisers. There was no question of abolishing all previous law. Like Magnus Håkonsson, King Edward chose to retain much of the law on farming and most of the civil law. A great deal of the penal law, however, was replaced by English law. As in the Norwegian king's tributary lands, the judicial system was adapted to conform to the core area of the kingdom.[73]

England is seen as the most uniform realm in Europe at the end of the thirteenth century, and the kingdom where the state-formation process had come furthest. We have already seen that the Norwegian kings were operating in a distinctly European context when they established their lordship over the tributary lands, and when it comes to legislation King Magnus Håkonsson in many ways had gone further

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[71] On the majestic plural in the normative sources, see *H*, p. 31; Sverre Bagge, "Innledende essay", in Anton Wilhelm Brøgger (transl.), *Kongespeilet*, Oslo 2000, pp. XLVI–XLVII; Eldbjørg Haug, "Fra byens grunnleggelse? Nærlesing og nytolkning av Stavanger-privilegiet og bestemmelsenes tradering", *Stavanger Museum Årbok* vol. 114 (2004), 2005, pp. 21–24.

[72] Reynolds 1997, p. 50.

[73] Davies 1987, pp. 367–70.

than King Edward I. With this in mind, we can regard the integration of the tributary lands into the legal community of the Norwegian realm as a deliberate act on the part of King Magnus, indeed, as a major element in his policy for the tributary lands. Not only would the national law help to remove the differences between the core of the kingdom and the border zones, it would also assure the king of a formal foundation for the exercise of power beyond what was afforded by direct lordship. Together with the establishment of a royal administrative apparatus, to which we shall now turn, the legal community is among the prime indicators that outside rule and a state-formation process were under way.

CHAPTER FOUR

THE ESTABLISHMENT OF THE KING'S ADMINISTRATIVE APPARATUS

During the High Middle Ages the Norwegian crown built up a centralized local administration in Norway and the tributary lands. We shall now look more closely at how this work proceeded in the tributary lands, what it comprised, and what consequences it had for the original governing mechanisms. Did the king's men and the royal governing institutions oust the existing governing bodies and the men who had so long ruled the tributary lands? Was the establishment of a royal administrative apparatus a distinct breach with the original arrangements, or did outside rule allow scope in the establishment phase to retain some elements of the older system? Another central question concerns the time of the establishment and whether it was synchronized with the expansion of a royal administrative apparatus and a public judicial system in Norway. By ascertaining this, we can perhaps obtain an answer to the question whether the establishment of a royal administrative apparatus in the tributary lands was just a result of the establishment of direct royal lordship, or if we should see it in association with development elsewhere in the realm. First of all, however, we must take a closer look at the officials and institutions that were to attend to the king's interests.

The shrieval organization

The sheriff's tasks and role

We have already seen that there were royal sheriffs (*sýslumenn*) in the Faroes, Orkney, and Shetland from the end of the twelfth century. A hundred years later the sheriffs had become the core of the king's local administration. In Norway there were roughly 350,000–400,000 inhabitants distributed in some fifty more or less firmly demarcated districts. Each county (*fylki*) usually consisted of two sheriffdoms (ON *sýslur*, sg. *sýsla*), and one sheriffdom could also be divided between two or more sheriffs.[1]

[1] For general information about the establishment of the sheriffs, the institution and its organization in the High Middle Ages, see e.g. Per Sveaas Andersen, "Sysselmann",

The sheriff was primarily a royal official. He was appointed by the king and he exerted royal authority over a defined area. The word *sýsla* was used both about the official's office or sheriffdom and about his district, which was also referred to as a *lén* (fief). The fief was usually held on account, with the sheriff administering it on behalf of the king and representing the king's interests.

The sheriff's role can be compared with that of the *ármaðr*, the king's local representative in the Early Middle Ages. However, his social position can best be compared to the *lendir menn* or royal vassals of the same period. The *lendir menn* had long been among the king's chief vassals, and had *veizla* (*beneficium*) from the king. Men holding the dignity of *lendr maðr* tended to be sheriffs in the thirteenth century, but like any sheriffs, they held their district as an office. In Norwegian medieval research, it has commonly been assumed that the sheriffs were put in charge of districts where they did not have any private power base, unlike the *lendir menn* of the twelfth century, whose local power base was actually crucial for the king. However, there are no studies of this phenomenon, apart from what has emerged from studies of individual counties and parts of Norway.[2] The sheriffdom was not to be hereditary either, although we see a clear tendency for both the sheriffdom and the dignity of *lendr maðr* to be inherited from the end of the thirteenth century. Moreover, in 1308 King Håkon promised that sheriffs who had acquitted themselves well would be allowed to keep their districts as long as they lived, and that their sons would be given the districts after them. In cases where the sheriffs also had a private power base in their district, they acquired a position closely resembling that of royal vassals in the twelfth century.

The sheriff had many tasks. He was the authority in charge of policing, prosecution, and executing matters on behalf of the king. He arranged local assemblies and selected representatives to the regional lawthing from the judicial districts belonging to his district, and he was responsible for the least popular side of the royal presence—collecting the king's revenue. This included claiming the king's share of fines and confiscations and the fixed revenue, such as the king's regular revenue,

KLNM XXVII, 1972, cols. 651–56; Helle 1974, pp. 206–208; Tore Iversen, *Trelldommen: Norsk slaveri i middelalderen*, Bergen 1997, p. 170; Helle 2003, pp. 379, 381.

[2] *NgL* III, pp. 74–75 (1308). On the combination of sheriffdom and local power position, see e.g. Imsen 1990, pp. 88–89; Per G. Norseng, "Del 1 I Borgarsysle", in P. G. Norseng and S. G. Eliassen, *Østfolds historie* 2, Sarpsborg 2005, pp. 262–65.

the naval levy, and rents from the king's estates. The sheriff also had to supervise the king's right to demand food and lodging and his pre-emptive right to foreign merchants' goods. Together with the lawman, the royal judge supervising the local judicial organization, he had special responsibility towards the liegemen in the district.[3] He was also in charge of local military administration, which included organizing defence and providing men when the king requested.

Unlike the Orkney earls in the twelfth century and the fiefholders (Norw. *lensmann*/*lensherre*) we meet in Norway the Late Middle Ages, the sheriff seldom retained all the revenue from his district. He was usually given a share of the fines as his payment, while the rest of the takings went to the king. The sheriff had to draw up annual accounts for his district. We cannot rule out the possibility, however, that there were already sheriffdoms or fiefs held on lease around 1300, where the sheriff kept all or most of the revenue from the district in return for paying an annual fee to the king.[4]

Since one sheriffdom could comprise several local settlements and local assemblies, the sheriff had agents or subordinates. These agents were called *lénsmenn* (sg. *lénsmaðr*) in Norway. According to an amendment from Håkon Magnusson's time as duke, they were chosen from among "good farmers" and, out of consideration for the common people, they were not supposed to be liegemen. This ruling may suggest, however, that this was far from being the case in the decades around 1300. The agents' duties were regulated by the king, and from the 1270s onwards, the king limited how many agents a sheriff could have. In the fourteenth century, more amendments came into effect regarding the responsibility and behaviour of sheriffs and their agents.[5] The sheriff could also have armed retainers and attendants.

It was not just the duties and the position that gave the sheriffs a dominant role in local administration and the government of the kingdom. The hird was the framework for the king's administrative apparatus and the king's liegemen had a monopoly on royal offices in the thirteenth century. Moreover, in Norway, sheriffs were recruited

[3] *H*, p. 29.

[4] Lunden 2003, pp. 311–12. On sheriffdoms held on account and on lease, see Andersen 1972, cols. 654–56, Jerker Rosén, "Län", *KLNM* XI, 1966, cols. 103–108. Herman Schück, "The political system", in Knut Helle (ed.), *Prehistory to 1520*, The Cambridge History of Scandinavia vol. I, Cambridge 2003, p. 687, on the late medieval fiefholders.

[5] Imsen 1990, p. 37 (Norway); *NgL* IV, p. 353 (the Faroes) and ch. 7 (Iceland).

from the upper stratum of the hird, the *hirðstjórar* (hird governors or managers) who consisted of *lendir menn* and *skutilsveinar*.[6] The king's advisers also belonged to this circle. The hird governors in turn were recruited from the top layer of the secular aristocracy. Inheritance and a personal power base thus played an important part in the government of the kingdom, even after the Norwegian aristocracy had become a service aristocracy whose road to positions of power was primarily through serving the king.[7]

The first sheriffs in the tributary lands

The establishment of direct royal lordship over the tributary lands and the construction of a royal administrative apparatus in Norway, as we have seen, brought the first sheriffs to the Faroes, Shetland, and Orkney. In Orkney, the earls' position and role was reduced after 1195, and the earls were forced to accept that the king had a sheriff on the islands during the thirteenth century. The introduction of the shrieval organization into Iceland has previously been dated to 1268, 1270, and 1273.[8] It is difficult to give an exact date, but in my opinion, the latest date is the most probable.

From 1261, Hrafn Oddsson held the Borgarfjörður area in fee from the king. In addition, he held the West Fjords, his former chieftaincy, which he had transferred to the king in return for receiving it back as a fief. Hrafn and Earl Gizurr reached a settlement at the Alþingi in 1262. They had been opponents in the power struggle, and did not collaborate for the rest of the 1260s, although they had some contact.[9] The rest of the Icelandic chieftains were probably also reinstated to their former chieftaincies when they gave them up to the king in the period 1262–64. Ormr Ormsson and Þorvarðr Þórarinsson seem to have retained a share each of the Eastern Quarter.[10] Although Iceland

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[6] *Lendir menn* were called barons from 1277, while *skutilsveinar* became knights. Both groups simultaneously acquired the right to use the title *herra* (Lord/Sir).

[7] Benedictow 1971, pp. 14–17; Helle 1972, pp. 561–72; *H*, pp. 42–50.

[8] Axel Kristinsson 1998, p. 114 (1268); Björn Þorsteinsson and Sigurður Líndal 1978, p. 57 (1270); *NFH* IV, 1, pp. 628–30; Hjálmar Vilhjálmsson, "Sýslumenn á Jónsbókartímabilinu 1264–1732", *Tímarit lögfræðinga* vol. XV, 1965, pp. 1–44; Einar Bjarnason, "Athuganir á veitingu lögmannsembætta eða kjöri í þau", *Tímarit lögfræðinga* vol. XVI, 1966, pp. 7–30.

[9] Cf. ch. 2. See also Axel Kristinsson 1998, p. 115.

[10] Axel Kristinsson 1998, ibid. Þorvarðr Þórarinsson surrendered himself and his territory to King Magnus in 1264 (*MLs*, p. 355).

was governed as separate fiefs, there is nothing in the sources to suggest that the fiefs can be regarded as sheriffdoms before 1268. The switch from rule by chieftains to administration by officials continued, but as long as Earl Gizurr was alive, no local royal administration was established in Iceland corresponding to what the king had in Norway and the other tributary lands.

Ormr Ormsson, Hrafn Oddsson, and Þorvarðr Þórarinsson went to Norway after Gizurr's death in 1268.[11] Hrafn and Ormr were probably given Gizurr's territories.[12] It is perfectly possible that Hrafn and Ormr were appointed sheriffs, but the sources do not permit us to draw firm conclusions. Ormr died soon afterwards, in 1270, on his way back from Norway.[13]

Járnsíða was adopted in 1271–73. It set the template for an administrative apparatus in Iceland following the Norwegian pattern. In 1273, Hrafn and Þorvarðr swore loyalty to each other and made a "partnership" (*félag*) at a national assembly in Bergen. They were subsequently to govern half of Iceland each for the king.[14] Hrafn and Þorvarðr had also been opponents in the power struggle, and their oath of loyalty is a direct parallel to Hrafn and Gizurr's settlement in 1262. Both Hrafn and Þorvarðr had sheriffdoms in areas where they had previously been chieftains.

Whereas the Icelandic chieftains who served the kings from the 1240s to the 1260s do not have a shared designation in the sources, there are designations reflecting the new system of government from early in the 1270s. In *Járnsíða*, the terms "valdsmaðr", literally 'man of power', and "umboðsmaðr konungs" ('the king's representative') are used of those who perform the tasks of the sheriff. *Sýslumaðr* and *sýsla* first appear in *Árna saga biskups* (about the period *c.* 1270–90) alongside *valdsmaðr*. Designations that had previously been employed for the Icelandic chieftains are still used in the saga, with the exception of *goði*

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[11] *IA*, pp. 68, 137–38, 331.

[12] See Axel Kristinsson 1998, p. 115. Þorvarðr was one of those who came to Iceland with *Járnsíða* (*IA*, pp. 49, 138, 331; *Asb*, ch. 18).

[13] *IA*, p. 483.

[14] *IA*, pp. 331–32; *Asb*, ch. 19. Hrafn retained the Western and Northern Quarters, while Þorvarðr had the Southern and Eastern Quarters (*Asb*, ch. 19, 26, 40–42; Axel Kristinsson 1998, pp. 115–16). Cf. Björn Þorsteinsson and Sigurður Líndal 1978, p. 55. See Helle 1972, pp. 163–66 on the national assembly. "Gera félag" in this context presumably refers to the fact that the two men together were to represent the king in Iceland, since it seems unlikely that Hrafn and Þorvarðr entered a business partnership, as the word is usually translated (*félag, félagsgerð*, *Ob* I, p. 400).

and *goðorð*, which disappear in the 1250s.[15] In view of this, it is reasonable to date the shrieval organization in Iceland to *c.* 1273. From the time when the king sent the first Icelander out to Iceland to bring the country under his rule in 1247, it took over twenty years before the king established a shrieval organization there. I choose to interpret the terminology as an expression of continuity between the chieftains' and the sheriffs' position in the country, and the continuity between men who were recruited to positions of power.[16] The last generation of chieftains became the first generation of sheriffs.

The shrieval organization in the tributary lands was fully established in 1273. However, it took place in two stages, like the establishment of direct lordship. In the original tributary lands, the shrieval organization came as a consequence of the king's expansion of a political-administrative organization in Norway at the end of the twelfth century, whereas sheriffs did not come to Iceland until after royal lordship was in place in 1264, and after a transitional phase with fiefs granted to local chieftains. In Iceland the administrative apparatus was established by turning the chieftains who had formerly held the country in fee into sheriffs. But before we draw further conclusions about the establishment of the king's administrative apparatus, we must look at when and how the rest of the apparatus was put in place.

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[15] In *Járnsíða* the terms *valdsmaðr* and *umboðsmaðr konungs* are used about royal representatives performing the sheriff's duties (*Js*, e.g. pp. 259, 265, 268, 270, 275). The law code also mentions the legal representative of a *valdsmaðr*, the *sóknarmaðr* (*Js*, pp. 259, 268, 275, 293). In addition, *valdsmaðr* is used in *Árna saga biskups* (*Asb*, ch. 19, 26). The term was also applied to Icelandic chieftains at the end of the twelfth century and to royal vassals in Norway, but not to the king's Icelandic liegemen in the period 1247–70 (*Arons saga* (*Sts* II), ch. 1; *Glossarium*, *NgL* V, p. 683, col. 2). *Sýsla* and *sýslumaðr* occur for the first time in 1275 in *Árna saga biskups* (*Asb*, ch. 38, 40). From the general wording in the saga, it is nevertheless clear that Hrafn and Þorvarðr were sheriffs in Iceland from 1273. Hrafn and Þorvarðr are described as "kongelegum vallds monnum" and "valldsmanna", and Hrafn "hafde herra Magnús skipad halfft Jsland" (*Asb*, ch. 13, 19, 26). *Goðorðsmenn* or *goðar* are used for the last time in the annals about chieftains in the 1230s. E.g. "Vtan stefnt goðorðz mo*nnu*m af Islandi" (*IA*, p. 188). In *Sturlunga saga*, the words *goðorð* and *goði* are used partly synonymously with *hǫfðingskapr* and *hǫfðingi*, but the term *goði* is not used after the 1250s. The term *hǫfðingi* is however used after the 1260s in *Árna saga biskups* (cf. next footnote).

[16] In *Árna saga biskups* the sheriffs and the king's men are also called "formennirnir" (chief men) (39); "syslumonnum" (44); "for men landsens og adrer handgeingner" (80); "hofdingiar landsins þeir sem til þess voru skipader og kongs starf j i hende" (65), "kongs ummbods manne" (60), "herrarner j syslur sinar" (78), and "kongs monnum" (78). *Stórmenni* ("magnates") is used of officials and bishops (39). Snorri Sturluson is called a prominent chieftain ("haufdingi micil") (*IA*, p. 481), and *formenn* is also used of chieftains in the 1260s: "allit formenn a Islanndi samþykt vm skatt við Norges konvunga" (*IA*, p. 135 (1264)).

Lawmen and lawthing

Royal control of the administration of justice

Before the reorganization in the High Middle Ages there were three types of forums for secular justice.[17] The oldest were a panel or tribunal of 'good' or 'judicious' men (*dómr*), and the local assemblies functioned as local courts of justice too. In addition, there were judicial commissions consisting of the king or his men. The tribunal was originally a twelve-man jury, with the parties in the case appointing six men each. In the twelfth century the tribunal was still an instrument for private justice. Its purpose was to achieve settlements and arbitration in cases such as homicide, where the facts of the matter were clear and the killer was able to pay compensation. It was up to the king and his representatives to collect any fines. The tribunal also tried economic disputes, in which it assessed the evidence and pronounced judgement. Most cases were resolved at this level. The *dómr* more or less disappeared as a private judicial forum throughout the High Middle Ages. It came under royal control and yielded authority to the local thing and regional lawthing. In addition, to pass judgment on its own accord, the *dómr* collaborated with the royal lawman. The prominent men of the local communities were authorised by the lawman to act as assessors, which they did both in the lawthing's law court as lawrightmen (ON *lǫgréttumenn*), but also when the lawman passed judgement at local things or in his own court. It was common for cases to be brought to assemblies at the local and district level before they were brought to the final instance, the law court at the regional lawthing. The lawthings of Norway were annual representative assemblies in the thirteenth century. The thingmen or representatives were appointed by the sheriff from his district in accordance with the provisions in the *Landlaw's* "Þingfararbalkr". In addition to functioning as supreme courts, the law courts also ratified laws.

The Norwegian lawmen (ON *lǫgmenn*, sg. *lǫgmaðr*) were originally members of the farming community who were versed in the law. They were used as advisers and spokesmen. They could pronounce

[17] On early administration of justice in Norway, see Helle 1974, pp. 180–85. On lawmen, lawthing, and judicial districts in Norway in the Middle Ages, see Jens A. Seip, *Lagmann og lagting i senmiddelalderen og det 16de århundre*, Oslo 1934, pp. 12–16; Torfinn Tobiassen, "Lagmann. *Norge*" *KLNM* X, 1965, cols. 153–62; Arne Bøe, "Lagting", ibid., cols. 178–84.

an *órskurðr*—a ruling or statement of which statutory provisions were relevant in a case—and they probably recited the law as the lawspeaker did at the old Alþingi in Iceland. They also received compensation on behalf of the farmers.

During the High Middle Ages both the lawthings and the lawmen came under royal control in Norway. From the reign of Sverre Sigurdsson (1177–1202), lawmen were appointed by the king, and in the first half of the thirteenth century, they were senior officials with the administration of the annual lawthing as their most important task alongside dispensing justice locally.[18] The lawman could pass judgement, or decide on administrative matters, alone or together with a jury, either at the lawthing or locally. It was a common procedure in penal cases, but the lawman could also pass judgement along with other king's men in civil cases.[19] In addition to meetings at the local assemblies, the lawman also held meetings of his own in his judicial district in the fourteenth century.[20] By then the lawmen tended to have a fixed residence in a town or some other centre.

The lawmen's juridical expertise was also frequently consulted by both the king and the local community. They served as advisers on legislation, they sat on judicial commissions together with other of the king's men, and they were in demand as witnesses. Lawmen were originally to be paid a "lawman's toll". This was covered through *þingfararkaup*, the fee that freemen paid for those who travelled to the lawthing, and through the king's regular revenue (*víseyrir*). In addition, they could demand administrative fees and were entitled to free transport and lodging for themselves and their retinue. The lawmen could also use certain royal lands for food and lodging. King Håkon V Magnusson's legislation presupposes close collaboration between the lawman and the sheriff in the local administration of justice. The

[18] At the national assembly in Bergen in 1223 there were nine lawmen (*HsH*, ch. 86). At that time there were probably already firmly demarcated jurisdictions (Helle 1972, pp. 138, 222).

[19] Cases of homicide were treated separately. They were administered by the chancellor, who issued letters of safe conduct at the start of the process and letters of protection at the end, if the guilty party was found qualified to atone for his crime by paying a fine to the king. In this process it was the duty of the sheriff or his local representative to collect evidence or arrange an oath of denial in order to clarify the issue of guilt and whether the culprit should be guaranteed protection after payment of a fine. In addition to this trial under penal law, there was the civil settlement with the victim's family. The sheriff or his representative also had to ensure that this was properly conducted (Imsen 1990, pp. 29–30).

[20] Around 1300 Norway was divided into ten judicial districts.

Icelanders declared in 1319 that they did not think that lawmen should have sheriffdoms, but this does not seem to have been of much relevance until after 1400.[21]

In the original tributary lands

In principle, a system of regional lawthings was introduced according to the Norwegian model in all the tributary lands where Norwegian law applied. It is only in the case of Iceland, however, that we can draw firm conclusions about when and how this reorganization of the thing organization took place. For the other tributary lands we have to rely on indirect evidence and retrospective conclusions.

We do not know very much about public life in the Faroes before the thirteenth century, but the sagas tell us of a local community not unlike those in Norway, with the assembly as the most important local public body. We have already seen that the Faroese assembly—the Alþingi—adopted Norwegian national law some time between 1274 and 1281.[22] And because the sources are silent about a Faroese lawthing before the fifteenth century, it has been commonly assumed that it did not exist before 1400, particularly because there is a similar lack of evidence of a Faroese lawman in the thirteenth and fourteenth centuries.[23] Hans Jacob Debes, however, calls the Faroese Alþingi a lawthing from the end of the thirteenth century.[24] There are also factors to support claims that the Faroese Alþingi had made the transition from an althing or general assembly to a lawthing at the end of the thirteenth century. The Faroes were governed as a sheriffdom according to Norwegian law in 1270–71. A lawthing was operational at the start of the fifteenth century, and there were lawthings in both Iceland and Shetland before 1300. Although we cannot draw any definitive

[21] *DI* II 343; Björn Þorsteinsson and Sigurður Líndal 1978, pp. 63–64. On *víseyrir*, see ch. 5, Iceland.

[22] Duke Håkon refers to this adoption of the law in his ordinance for the Faroes in 1298 (*Sb*, p. 45, § 1).

[23] *DF*, "Søguligar rannsóknir", pp. 20–21, and "Fornbrævasavn", III, p. 27. It has been suggested that the Faroes and Shetland in the period when they both belonged to Håkon Magnusson's duchy were one judicial district with a shared lawman, because the lawman who examined deficiencies in the law code before 1298 at the behest of the duke was lawman of Shetland (*DF*, pp. 20–21). Sir Sigurðr, however, is referred to merely as "lawman of Shetland" in the source (*SD* 45), and there was a lawman in the Faroes at the start of the fifteenth century (*DN* I 592, II 626). See also Debes 1995 p. 49.

[24] Debes 1995, pp. 49–50.

conclusion, I think we can say with great probability that the introduction of the *Landlaw*, at the least, led to a reorganization of the thing organization in the Faroes too, and that there was a lawman in this tributary land in the 1270s. It is also perfectly possible that the Faroese lawthing was still referred to as the Alþingi after the reorganization, as was the case in Iceland.

Local assemblies were an important part of local public life in Orkney while the earl exercised direct rule. It seems as if the earls and their men also dominated these things, as the chieftains did in Iceland.[25] The common people nevertheless had some influence in both societies. New earls were dependent on their support, as the Icelandic chieftains were dependent on their thingmen. We have no information about either a general assembly (*alþing*) or a lawthing (*lǫgþing*) in Orkney in the thirteenth and fourteenth centuries, but because Orkney had its own lawman in 1325, we may assume that there had been a lawthing since the end of the thirteenth century. Moreover, there are indications that there may have been a lawman in the earldom even before the establishment of direct royal rule. A lawman named Hrafn was active in Caithness from *c*. 1198 to 1222. He was not bound to either the earl or the king of Scotland, and was probably a "farmer lawman" of the type we also find in Norway in the twelfth century.[26] Although Caithness was now a separate Scottish earldom, Hrafn may have been a product of the Norse heritage of the earldom. It is therefore possible that there may also have been a lawman in Orkney before the kings established their judicial system there. The situation in Orkney early in the fifteenth century also supports the conclusion that a lawthing was established in the earldom in the High Middle Ages. By then the lawthing and the lawman were an integral part of local public life in Orkney, primarily as a body and a representative of the inhabitants.[27]

In the case of Shetland, likewise, we cannot say with certainty when and how a lawthing was established, but there was a lawman there in

[25] In *Orkneyinga saga* there are many examples showing that the earl held a thing with his men, the chieftains, and the farmers. Would-be earls held a thing with the farmers in order to convince them that they should be approved as earls. Things were also held so that the farmers would swear loyalty to new earls (*Os*, e.g. ch. 56, 76, 85, 92). Cf. Crawford 1987, pp. 206–210.

[26] *Os*, ch. 110; Thomson 2001, pp. 130, 184.

[27] *DN* II 619; *REO*, no. XVIII [1424]. Cf. ch. 8.

1298, and a lawthing in 1299.[28] The system was probably introduced along with Norwegian law, at the latest.

Iceland

Although the so-called Icelandic Free State or Commonwealth had not had any form of centralized administrative institutions, there were institutions with legislative and judicial authority for the whole country. These assembled at an annual general assembly at Þingvellir.[29]

The General Assembly or Alþingi was the most important meeting place for Iceland's freemen. It was an integral part of the rule by chieftains, and it was also dominated by the chieftains, who sat in the Alþingi's Law Council, each with two of their thingmen as advisers. The Law Council was Iceland's legislative authority, but it was not the country's supreme court. Judicial authority lay with the four Quarter Courts, and a fifth court to deal with appeals and cases for which the Quarter Courts could not reach a solution. The judges were appointed by the chieftains, both at the Alþingi and at the local spring assemblies. The chieftains thus had direct control over legislative power and indirect control over the judiciary.[30]

The Law Rock (*lǫgberg*) was another central institution at the Alþingi. This was where public proclamations were made, and where the lawspeaker (*lǫgsǫgumaðr*) recited the law and the rulings of the Alþingi. The lawspeaker was elected by the Law Council for three years at a time, and the office gave the occupant some prestige. Unlike the Norwegian lawmen, however, the lawspeaker did not have any duties in the administration of justice.[31]

The "Þingfararbálkr" in *Járnsíða* has basically the same contents as the corresponding sections in Norwegian provincial law codes, the *Landlaw* and *Jónsbók*, with the exception of some necessary local adjustments, for example the number of judicial districts and thingmen. In *Járnsíða* the annual assembly is still called Alþingi, whereas in *Jónsbók* it is also referred to as Öxarárþing, after Öxará, the river

[28] *Sb*, p. 45; *DN* I 89.

[29] *Grágás*, together with the sagas, is the major source of information on how the Alþingi functioned. See especially *Grg*, pp. 371–458 ("Þingskapaþáttur") and 371–466 ("Lögsögumannsþáttur" and "Lögréttuþáttur").

[30] Gunnar Karlsson 2000, pp. 20–25.

[31] Magnús Már Lárusson, "Lögsögumaðr", *KLNM* XI, 1966, col. 137.

at Þingvellir, or as a lawthing.[32] The term Alþingi was retained as the name of the assembly. The old Icelandic General Assembly nevertheless differed from the lawthing described in *Járnsíða* in important respects. As we saw in the last chapter, the reorganization of the thing had the effect that the *lǫgrétta*, the old law council, lost its legislative authority to the king and the archbishop. Subsequently the Icelandic lawrightmen merely gave their consent to new laws, and made decisions on minor matters that were delegated to them. In addition, the new *lǫgrétta*, which was more of a law court than a law council, became the country's supreme court as the Quarter Courts and the Fifth Court were abolished. In contrast to the lawspeaker, the lawman was to play a central role at the lawthing as administrator and as a member of the law court. This now consisted of representatives of the common people, selected from among the lawthingmen from the different judicial districts.

The old Alþingi had functioned in the absence of any central governing institution. In the pre-state Icelandic society there were no public prosecutors or penalties; prosecution and punishment were instead handled by the chieftains and the parties involved, while in Norway this was taken over by the king's sheriffs.[33] Whereas the average Icelander had previously been dependent on obtaining support from a chieftain if he wished to pursue a case, either at a local assembly or at the General Assembly, the situation changed with *Járnsíða*. The duties that the sheriff and lawman now had to perform at the Alþingi and in the local administration of justice therefore represented something totally new in Iceland. It was not just a matter of the king taking control over existing institutions. Royal rule also introduced new institutions and imposed a new template for the government of the country and for the resolution of judicial disputes.

The reorganization, at least in principle, led to a weakening of the chieftains' influence at the things, and a corresponding strengthening of the common people's power. In principle, the legal security of the Icelanders was reinforced by the establishment of a royal administrative apparatus. Yet it was former chieftains who now became sheriffs,

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[32] In *Járnsíða* the term "Alþingi" is used throughout the *Þingfararbalkr*, except in the first sentence (*Js*, p. 259). On *lǫgþing* and *Öxarárþing*, see *Jb*, pp. 81–84, 86, 259, 293. See also Björn Þorsteinsson and Sigurður Líndal 1978, p. 60 on the reorganization as a lawthing.

[33] Gunnar Karlsson 2000, pp. 24–25.

and we shall see that there were features of the local administration and royal rule that ensured that the transition was not as dramatic for the chieftains as the contents of *Járnsíða* might seem to indicate. And despite the differences between the former althing and the lawthing, there were also similarities between the original thing organization in Iceland and the new one, as regards both organization and tasks.[34]

Sturla Þórðarson was appointed lawman the year after *Járnsíða* had been sent to Iceland to be adopted as Icelandic law.[35] Sturla had previously been a lawspeaker, so there was a distinct continuity from the older order. A new law code, a new thing organization, a lawman, and a shrieval organization thus all came into place in Iceland at roughly the same time. We can therefore say that there is a link between the establishment of a judicial system of Norwegian type and the final introduction of royal local administration in Iceland. The process was probably the same in the other tributary lands. In the case of Iceland, moreover, it is possible to say something about how the transition from althing to lawthing took place. It offered some challenges.

We saw in the last chapter that the Icelanders wanted some say about the content of their country's law code, both in 1271–73 and in 1281. At the same time, the hesitation and reservation with which Bishop Árni's ecclesiastical law was adopted at the Alþingi in 1275 reflects how the Icelanders now viewed the king and the archbishop as the country's legislators, and not the Alþingi's law court. But we have other evidence from the 1270s suggesting that even though the Alþingi had begun to function as a lawthing, the transition to a new thing organization brought challenges for the church, the common people, and the king's men alike.

It seems as if the Icelanders had already accepted in 1273 that it was the king and the archbishop who were the country's supreme judges. In that year Bishop Árni demanded that the Alþingi (i.e. the Law Court) should decide whether the chieftain's seat of Oddi was church property or not. The court found in favour of the church, but both this and similar cases were the subject of appeals to the king and the archbishop.[36] Despite this, the Alþingi did not function as the sheriff and former chieftain Þorvarðr Þórarinsson thought it ought to

[34] Knut Helle, *Gulatinget og Gulatingslova*, Leikanger 2001, pp. 66–83.

[35] From the same time the term *lǫgsǫgn* is also used about the lawman's official district (*IA*, pp. 49, 139, 331 (1272); *Asb*, ch. 21).

[36] *Asb*, ch. 10–24.

function in the mid-1270s. He wrote a letter of complaint to King Magnus Håkonsson in 1276 which shows, firstly, that the switch to a lawthing and a new system of government was not without problems, and, secondly, that there was strong continuity from the old rule by chieftains. Hrafn and Bishop Árni had prevailed at the Alþingi that year, and according to Þorvarðr some people thought that they had both been short-sighted and not wholly reliable. The lawman, Sturla Þórðarson, had been awkward, referring most cases to the judgement of the bishop and other men, as it pleased him. The members of the Law Court, the lawrightmen, whom Þorvarðr himself must have helped to elect, as sheriff, had not been of much use.[37] Both the common people's representatives at the Alþingi and the king's and the church's representatives evidently needed time to get accustomed to the new system. The way the lawman referred matters to the bishop's judgement at a lawthing was probably a provocation for Þorvarðr, who had himself quarrelled with Bishop Árni about the church's and the king's jurisdiction.[38]

We have previously seen that King Magnus seems to have been patient and forbearing with the Icelanders in the transitional phase. There was probably no one in the circle around the king who had expected that the transition would be painless. Þorvarðr's expression of concern, moreover, shows that Hrafn and Bishop Árni still had a firm grip on the Alþingi. The switch to direct royal rule thus did not immediately have the effect that the men who had previously dominated the thing lost their position.

Lawthings and lawmen were introduced in the tributary lands simultaneously with the introduction of Norwegian law. It is probable, however, that in Orkney, the Faroes, and Shetland there had also been institutions or representatives like the farmer lawmen in Norway and the lawspeaker in Iceland before the first royal officials were appointed lawmen and royal judges. At any rate, we cannot rule out the possibility of elements of continuity between the old and the new system. The lawman, together with the sheriff and the new thing system, gave the inhabitants of the tributary lands a "public" channel for the resolution of conflict where, at least in principle, it was no longer a man's

[37] *Asb*, ch. 42.
[38] Cf. ch. 5.

personal relationship to local magnates that determined his chance of having his case heard.

Other royal representatives in the administrative apparatus

It was not just the officials and their representatives who had the task of safeguarding the king's interests in the tributary lands. In a series of amendments and royal letters to both Norway and Iceland, the kings emphasize the duty of the liegemen to assist the officials in ensuring that the king's instructions were implemented.[39] All liegemen living in a given area were in principle the king's local representatives and must therefore be seen as belonging to the king's local power apparatus. The king's men are mentioned as a single group in the sources, but often a distinction is made between the *skutilsveinar* (knights from 1277) or the officials and the ordinary hirdmen.[40]

There had been liegemen in the tributary lands for a long time. In Iceland the king's local liegemen had been crucial for the establishment of direct royal lordship, and several of them had been *skutilsveinar*. They were attached to royal administration after direct royal lordship had been established in the land. In addition to the king's men who had a fixed abode or some other permanent ties in the tributary lands, we must also consider the royal emissaries. These could be professional diplomats or central officials with assignments on behalf of the king in different parts of the kingdom. The emissaries were used, for example, for resolving protracted judicial disputes or accomplishing tasks of a more political nature requiring greater weight and authority than the local officials had.[41] We have already met the king's emissaries in Iceland. As the king's local officials, the emissaries were crucial for

[39] *C.* 1305 the liegemen in Iceland were ordered to accompany Bishop Jǫrundr of Hólar in his initiative on behalf of the poor (*DI* II 183). See also *Jb*, pp. 255 (1280), 260 (1303). In 1320 King Magnus Eriksson asked the governor, the knights, the hird, and all the chief men (*formenn*) in the country to implement his decisions (*DI* II 342).

[40] In Iceland the terms *hirðmenn* (hirdmen), *handgegnir menn* (liegemen/sworn men/king's men) were in general use for this group. The *skutilsveinar* (knights from 1277) are distinguished by designations such as "men under the same law" (*lǫgunautar*), "our knights" (*riddari*), and "sirs" (*herramenn*) (*Asb*, e.g. ch. 60, 78, 80, 85). The honourific *herra* (Lord/Sir) was also used of bishops and other senior clergy. See Lars Hamre, "Herretittel. *Norge*", *KLNM* VI, 1961, cols. 508–11; Magnús Már Lárusson, "Herretittel. *Island*", ibid., cols. 511–12.

[41] Narve Bjørgo, "Udenrigstjeneste. *Norge*", *KLNM* XIX, 1975, cols. 243–47.

the implementation of the king's policies in the country. They were also used for collecting the king's revenue as early as the 1250s.

Conclusion

The introduction of Norwegian law formalized the administrative practice of which we see the outline in the original tributary lands at the end of the twelfth century. The law left no doubt that the administrative apparatus in the tributary lands was supposed to mirror local administration in Norway. In principle—if not always in practice—the establishment of outside rule led to a breach with earlier forms of administration. To apply James Given's approach, it was a maximum approach to outside rule on the part of the crown.

We can say that the administrative integration of the tributary lands was accomplished in the reign of Magnus Håkonsson, although the expansion of national government and local administration continued under his successors. The establishment of a royal administrative apparatus represents the real transition to royal rule. In Iceland the chieftains disappeared, in Shetland the earl's rule. And although the earldom of Orkney was maintained, the earl's role was reduced as a consequence of the king having his own men present in the earldom. We can therefore say that, in principle, the establishment of a royal administrative apparatus represented a clear breach with the original system of government in the tributary lands. Nonetheless, even at this early stage we can point out elements of continuity between the original and the new order. In the establishment of the king's direct rule in Iceland, for example, we can demonstrate strong continuity from the older order on account of the men the king appointed as officials. We may talk of a transitional phase in which chieftains in the king's service held fiefs from the king and were supposed to implement his policies in the country. And in Orkney we have seen that representatives of the old chieftain aristocracy, who had all served the earls, allowed themselves to be enrolled as royal liegemen. In addition, for a long time there had been some affinity between legislation and the thing organization in the tributary lands and Norway.

After this survey of the establishment of the king's administrative apparatus in the tributary lands, we shall now turn to look more closely at how the apparatus and the men who staffed it acted on behalf of the king and in the local public sphere up to 1397.

CHAPTER FIVE

CHANGE AND CONTINUITY, 1270–1319

In this and the next two chapters, we shall look at how the tributary lands were ruled from 1270 to 1397. We shall examine three sides of the government of the tributary lands: the king's administrative apparatus, local public life, and the men who served the king. Central problems to consider will include the question of whether there was room for local variation in the administrative apparatus and what consequences that outside rule had for the inhabitants of the tributary lands and their participation in public life.

An aim of this study is to establish whether changes in the government of the tributary lands were due to changes in the national government in the fourteenth century, or if they were a result of local needs. This study may also shed some light on the king's strategy for the government of the tributary lands, and to produce new knowledge about the fate of the Norwegian medieval state in the Late Middle Ages. On the basis of events in national politics, I choose to divide this investigation of the government into three separate periods. This first period, from *c.* 1270 to 1319, starts with the state-building project of Magnus Håkonsson and his sons and covers the judicial, administrative, and socio-political integration and its consequences up to the death of Håkon V Magnusson in 1319.

Although the tributary lands are often treated in the king's laws and ordinances as a unit, they were in reality separate parts of the king's realm, each with a different relationship to the Norwegian crown. For that reason we shall first look at developments in each individual country and then draw the threads together for the tributary lands as a whole.

The Faroes

We have very few sources about the situation in the Faroes, both in this and in the next period we shall study. What we can say, however, is that the crown maintained an administrative apparatus in the islands. In the amendment to the Faroes from 1270/71 King Magnus

Håkonsson ordered that the local sheriff should not have more than three agents (*lénsmenn*).[1]

The Faroese, as we have seen, called for amendments to both the revised Gulating law code and the *Landlaw*. They probably met at the Alþingi to formulate their demands and to talk to the commission that Duke Håkon Magnusson had set up to inquire into the need for changes to the national law. The commission consisted of the Shetland lawman, Sigurd, and Bishop Erlend of the Faroes.[2] The appointment of these two men indicates that Norwegian authorities attached great importance to competent local knowledge combined with consensus from the Faroese and support in the community. Sigurd has also been proposed as lawman of the Faroes, because both the Faroes and Shetland belonged to Håkon Magnusson's duchy from 1273 to 1299. There is no evidence, however, that Shetland and the Faroes at this time constituted a single jurisdiction, and Sigurd is described merely as "lawman of Shetland" in the sources. In Duke Håkon's reign, the Faroes seems to have been treated as the parts of the duchy located in Norway.

Orkney

"Domini Magni comitis Orcadie"[3]

In chapter two I argue that the Orkney earls had to accept direct royal lordship over the islands, and that the earl probably was obliged to accept royal administration in the islands, parallel to his own. In contrast, Barbara E. Crawford thinks that earls, when they were of age, as a rule had full power to govern the earldom both before and after the settlement between Earl Magnus and King Magnus in 1267, and that it was the earls, not the king's officials, who looked after the king's interests in the earldom.[4] Crawford's chief argument to substantiate that the earls enjoyed full power is as follows: there are only records of royal officials in the earldom from periods when earls were not

[1] *NgL* IV, p. 353.
[2] *Sb*, p. 45.
[3] *DN* XIX 482 (Lord Magnus, earl of Orkney).
[4] Crawford 1971, pp. 178–83.

of age or when there were no earls at all.[5] The problem is that the sources we use to document royal officials in Orkney are also used to cover the periods with under-age earls. Moreover, the source material is too scanty for us to draw firm conclusions about the Orkney earls' role *ex silentio*. Any conclusion about the government of Orkney must therefore be regarded as hypothetical, but by focusing on the earls' duties in the tributary land and putting the situation in Orkney into a broader context, I believe we can argue that it was the king's officials who looked after the king's interests locally, even when there was an earl competent to govern the earldom.

From 1267 to 1312 we know scarcely more about the Orkney earls than the dates when they were appointed and when they died.[6] Nor is there any information about royal officials in the earldom before 1312.[7] In that year Earl Magnus Jonsson (*c.* 1312–1321) probably came of age since he was a surety and witness when King Robert I of Scotland and King Håkon V Magnusson's representatives renewed the Treaty of Perth and reached an agreement in Inverness.[8] Around 1320 Earl Magnus and his wife Katarina were among the witnesses in Kirkwall in a case between Bishop William III of Orkney and representatives of Archbishop Eiliv in Nidaros.[9]

Earl Magnus probably left an under-age heir when he died some time in the 1320s.[10] Although we know that the earl resided in Orkney, at least occasionally, we have no information to show that he had full power of government in the earldom and watched over the king's local interests. Nor have we any records of the earls' representatives—the men who looked after the earl's private interests and revenues in

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[5] That is to say, from the periods *c.* 1303–1312, 1329–1333, and 1353–1379 (Crawford 1971, pp. 166–77).

[6] Crawford 1971, pp. 128–33, 166–77.

[7] See Crawford 1971, p. 213; Crawford 1973, pp. 329–39; Barbara E. Crawford, "North Sea Kingdoms, North Sea Bureaucrat: A Royal Official who Transcended National Boundaries", *SHR* 69, 188, 2, 1990, pp. 175–84 for Crawford's conclusions about Weland of Stiklaw as the king's representative in Orkney *c.* 1303–1307, and the next section for my opinion about Weland's role.

[8] *DN* XIX 482, II 114.

[9] *DN* IX 85. There is something uncertain about this source and the others as regards Archbishop Eiliv's accusations against Bishop Vilhelm for various blameworthy matters. See also *Regesta Norvegia* (*RN*) IV 56 (*DN* IX 86), 59 (*DN* IX 87), 60 (*DN* IX 88), and 61 (*DN* XVIII 5). *RN* IV does not reproduce *DN* IX 85 at all. See Thomson 2001, p. 149 on why Bishop Vilhelm was at loggerheads with the archbishop.

[10] Crawford 1971, p. 168; Thomson 2001, p. 149–54; Crawford 2003, pp. 148–50. See ch. 6 about Orkney at the time of Earl Magnus's death.

the earldom—from this period. We therefore do not know whether earls who were of age had full power to govern Orkney from 1267 to 1320.

In *Hirðskrá* as we have seen, there is a warning about the threat that the institution of the earldom as a political and administrative order could pose to the kingdom. There were earls in King Eirik Magnusson's time (1280–1299), and even though his brother, King Håkon V Magnusson, gave Archbishop Jørund the title of earl, he chose in 1308 to reserve that title for king's sons and the Orkney earls.[11] The decision was probably part of the king's strategy to reduce the power of the uppermost stratum of the aristocracy; the dignity of *lendr maðr*/baron was also abolished.[12] And apart from Archbishop Jørund, no one was given the title of earl or an earldom in Norway after Håkon took over as king in 1299. Yet even though the crown had an ambivalent relationship to the institution of the earldom, the Orkney earls had never been a threat to the unity of the kingdom in the same way as the earls in Norway. Moreover, there was an element of heredity linked to the dignity of earl of Orkney. Historically it was an ancient principality and an old princely dynasty. The earldom was a geographical-historical unit with clearly fixed boundaries, whereas the earldoms in Norway had been *ad hoc* constructions. No part of Norway had been a fixed earldom, and no one in the country could inherit earldoms or the title of earl.[13] Tradition and history can help to explain why the earldom of Orkney survived. Moreover, it looks as if there were close ties between King Håkon V and Earl Jon Magnusson (1284–*c.* 1303), father of Earl Magnus. King Håkon betrothed his brother's daughter to the earl around 1300, but the earl died before

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[11] *NgL* III, pp. 74–81. On the negative view of the earldom, see Blom 1972, pp. 34–35 and Steinar Imsen's comments in *H*, p. 81, n. 15.

[12] *NgL* III, pp. 74–81. On the 1308 ordinance, see Andreas Holmsen, "Var retterboten av 1308 en retterbot?", *HT* 49, 1970, pp. 34–57 and "Kongens rett, kongens makt og kongebrevet av 17/6 1308", *HT* 51, 1972, pp. 322–27; Kåre Lunden, "Om Håkon Vs skipan av 17/6 1308", *HT* 20, 1971, pp. 18–58; Benedictow 1971, p. 12 and "Konge, hird og retterboten av 17. juni 1308", *HT* 51, 1972, pp. 233–84; Per Sveaas Andersen, "Et notat til diskusjonen om dokumentet av 17. juni 1308", *HT* 52, 1973, pp. 61–66; Lars Hamre, "Litt om og omkring Håkon Vs hirdskipan 17. juni 1308", *HT* 72, 1993, pp. 6–36.

[13] *HsH*, ch. 187. In 1236 Earl Skule Bårdsson demanded that his son Peter should inherit his third of Norway. This was rejected by the king with the justification that no one could inherit the country apart from Queen Margrete Skulesdotter's descendants (i.e., the king's sons).

the marriage was solemnized. Yet this tells us about the social level of the earl of Orkney. The deceased earl's fiancée was later married to a Swedish king's son.[14]

The king's local administrative apparatus

We meet the king's sheriff in Orkney in an agreement between King Håkon V's representatives and those of King Robert I (1306–1329) of Scotland in 1312. The agreement resolved conflicts between the two kings' subjects.[15] The unrest had, among other things, affected King Håkon's "senescalli", Sir Berneri Peff, who had been taken prisoner when he was collecting the king's dues in the area. He had to buy his freedom with both his own and the king's property. King Håkon V's "balliuum" in Orkney had also been involved. He had had a Scottish squire beaten up, arrested, and imprisoned, and also confiscated his estate. The squire was then held prisoner until he bought his freedom.

While J. S. Clouston, Barbara E. Crawford, and William P. L Thomson assume that the Latin title *senescallus* ('seneschal') in this case refers to the king's local sheriff or governor, and regard the "balliuum" or 'bailiff' as a lower royal official, Steinar Imsen associates the bailiff with the office of sheriff.[16] We do not find the title of seneschal in other Latin sources about the administration of the Norwegian realm. In southern France the seneschals had the same function as the bailiffs in the northern parts of the French king's realm at the end of the thirteenth century: they were royal officials and fiefholders with military, judicial, and financial responsibilities—the kings'

[14] *IA*, p. 52 (1300), 146 (1302), 387 (1303); Crawford 1971, p. 166. Ingebjørg Eiriksdotter was married to Duke Valdemar of Sweden. See also Imsen 2002, pp. 168–69 on the difference between earldoms in Norway and in the tributary lands.

[15] *DN* II 114 (Latin original); *REO*, pp. 3–6 (English translation); *RN* III 787 (Norwegian translation).

[16] Clouston translates "balliuum" as 'steward' (*REO*, p. 4); Crawford calls the seneschal 'sheriff' and has no comment on the "balliuum" in 1312. But she later describes bailiffs as "lower royal agents" (Crawford 1971, pp. 166–67, 172). William P. L. Thomson calls the seneschal 'governor', a title that is often associated with the king's sheriffs in Orkney. (Thomson 2001, p. 148). Steinar Imsen assumes that bailiffs correspond to the Norwegian sheriffs, and that they functioned together with subordinate "ministri". (Imsen 2000, p. 176). The 1312 agreement (*DN* II 114) mentions the Norwegian king's "ministri", but it is clear from the content that these resided in Norway, not Orkney (*RN* III 787). There is no evidence to suggest that the term "ministri" was used for the Orkney sheriffs' agents. The king's top officials in Norway are also called "ministri" in *DN* XIX 456 [1307]. In *RN* III 787 seneschal is translated to modern Norwegian "drottsete" (*ON dróttsæti)*.

chief local representatives.[17] In the case of King Håkon's "senescalli", however, the best comparison is probably with the situation in nearby Scotland, since the agreement of 1312 was with the king of Scotland. In the agreement text they probably used the Latin title that corresponded most closely to the duties of a royal official in both Norway and Scotland. In *Mediae Latinitatis lexicon minus* the designation *senescallus* is defined as "Hofbeamter der für die Verpflegung zuständig ist", in other words, a court official responsible for household supplies, similar to the role of the seneschal in Scotland under King Robert I.[18] According to *Hirðskrá*, in Norway it was the *dróttsæti* who filled the traditional role of master of the royal household. Now it is not very likely that this Berneri Peff was a *dróttsæti*, but there was probably an element of financial administration in the title of seneschal. The question is whether it could be a Latinization of the Norse *féhirðir* or treasurer. It is worth noticing that Berneri was supposed to collect the king's revenue "in the area", and not just in Orkney. Although the collection of the king's revenue was the duty of the sheriff and his local agents, we have several examples from Iceland of the central government sending out men from Norway to participate and supervise in the collecting. From the early fourteenth century the king had his own royal treasurer in Bergen.[19] He was also responsible for receiving and keeping accounts of the king's revenues from the tributary lands. "Sir Berneri Peff" can with great probability be identified as the Norwegian knight Bjarne Audunsson—'Berneri' being the Latin version of 'Bjarne'—who was a central royal official at this time. It therefore seems natural to believe that he may have been entrusted with the task of collecting the king's revenues from Orkney and Shetland as a kind of *ad hoc* treasurer, or as representative of the treasurer in

[17] *Medieval France, An Encyclopedia*, eds. W. W. Kibler and G. A. Zinn, New York, 1995, p. 870. Cf. F. Lot and R. Fawtier, *Histoire des institutions françaises au moyen âge. Tome II. Institutions royales*, Paris 1958, pp. 52, 55–58, 147–48; *Lexikon des Mittelalters* VII, eds. G. Avella-Widhalm *et al.*, Munich 2002, cols. 1751–54; *Encyclopedia of the Middle Ages*, K–Z, eds. A. Vauchez, B. Dobson, and M. Lapidge, Cambridge 2000, cols. 1334–35; Reynolds 1997, p. 54.

[18] *Mediae Latinitatis lexicon minus* II, eds. J. F. Niermeyer *et al.*, Darmstadt 2002, p. 1247. In Scotland *senescallus* was the Latin form of "the steward of Scotland", and the steward was the head of the Scottish king's household, following the French model. This position was reserved for barons, and it was a hereditary title of honour from the end of the twelfth century (Duncan 1975, p. 215).

[19] On the regional treasurers and the treasurer's district in Bergen, see Helle 1982, pp. 558–63.

Bergen. Bjarne Audunsson was the king's chancellor from 1311, so the assignment in Orkney and Shetland must have taken place before 1311.[20]

There were other emissaries besides Bjarne Audunsson who carried out tasks in Orkney on behalf of the king. In 1313, Baron Bjarne Erlingsson and Canon Ivar Olavsson acknowledged receipt of the Scottish fee (the 'annual') for Man and the Hebrides for the years 1307–1312 in Kirkwall. Bjarne Erlingsson was the Norwegian with the highest secular rank in the realm at this time. Ivar Olavsson later became both baron and chancellor.[21] Several powerful royal officials thus had assignments in Orkney in this period.

Furthermore, the king's bailiff in Orkney performed the typical duties of the sheriff in the 1312 agreement. He had the authority to police and prosecute, and moreover his district was confined to Orkney alone. The conclusion that the "balliuum" of Orkney in the 1312 agreement was in fact the king's sheriff is, in addition, supported by later information about bailiffs in Latin documents concerning Orkney.[22] We also must assume that the sheriff of Orkney had attendants, and that it was these men the Scottish squire had been in close, physical contact with.

Barbara E. Crawford gives the sheriff in Orkney a couple of tasks that we do not recognize from Norway or other tributary lands when she claims that they ruled on behalf of under-age earls in the period *c*. 1303–1309. Crawford suggests that Weland de Stiklaw, who was Earl Magnus Jonsson guardian around 1303 and the Scottish king's bailiff in Caithness, simultaneously represented King Håkon in Orkney. But even if Weland served King Håkon both before and after 1303, there

[20] *DN* XIX 456; Helle 1972, pp. 599–600; Wærdahl 1998, p. 101. Bjarne was also a royal councillor, and was one of those who would swear to implement King Håkon V's wishes for the government of the kingdom after his death in 1319 (*DN* I 156).

[21] *DN* II 111 [1312], XIX 486 [1313]. On the dating of the receipt, see *NFH* IV, 2, p. 537. The amount and the means of payment were in accordance with the provisions of the Treaty of Perth. Bjarne and Olav had renewed that treaty the previous year in Inverness, when they also settled disagreements between the kings' subjects (*DN* II 111, 114, XIX 482). See Helle 1972, pp. 576–78 (Bjarne Erlingsson), 600–601 (Ivar Olavsson).

[22] Cf. ch. 6 and 7. Sheriff tends to be translated as *ballivus* in Latin documents from the Norse area, and this is also translated as *fogd*, see *RN* IV 127a (1321). There is no consistency in the translation of Latin titles to Norwegian, and it was as difficult then, as it is now, to find exact counterparts to offices and titles in the different kingdoms.

is no evidence to link him to the king's administrative apparatus in Orkney.[23]

Crawford also assumes that the sheriff in Orkney had a permanent place in the king's council and later in the Council of the Realm because Weland de Stiklaw and Håkon Jonsson—sheriff of Orkney and Shetland in 1369—were councillors.[24] But Weland was a member of the council because he was a Norwegian baron, by virtue of which he had the title of royal adviser. Håkon Jonsson was also councillor by virtue of the position he had in Norway, and not because he was sheriff of Orkney.[25] Being sheriff was not sufficient to be a member of the council. None of the sheriffs in Iceland were councillors.

The king's revenues from Orkney

In the fourteenth century the king received all the revenue from Orkney when the office of earl was vacant, in other words, the taxes, fines, and profits from the part of the earl's estate that belonged to the earldom.[26] The question is whether the kings received revenue apart from the rents from crown lands in Orkney when the islands had an earl who was of age.

We know that the Danish-Norwegian king expected tax revenues and land rents from Orkney in 1466, even though the earl held the earldom as a fief.[27] Barbara E. Crawford believes that it was the king who was supposed to have tax revenues from Orkney after 1195. Steinar Imsen

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[23] Crawford 1971, pp. 166–68, 209–15; Crawford 1973, pp. 329–39; Crawford 1990, pp. 175–84.

[24] Crawford 1971, p. 172.

[25] See ch. 6 on Håkon Jonsson's background.

[26] A register of letters mentioning the king's rights and obligations from 1494 includes, "Item a special decree that the king of Norway shall uplift all income from Orkney until the right heir comes and claims it from the king". (transl. Crawford 1971, p. 176) Orig.: "…eit besynnerlige domsbreff at koningen aff Norege skall opbære all renthe af orknøyn swa lenge till ret erffwing kommer oc anamer thet aff koningen". (*DN* VI 619). In *DN* I 404 (1369) a royal sheriff is responsible for the king's revenue from Orkney. In *DN* II 337 (1357) it is clear that the revenue from the earldom goes in full to the king. In *DN* II 437, 438 (1375) we see that all the revenue went to the king and that he could give the revenue from the earldom as pay to the sheriff.

[27] Crawford refers to Arild Huitfeldt's chronicle, *Historiske Bescriffuelse: om huis sig haffuer tildraget vnder den Stormectigste Første oc Herre, Herr Christiern, den Første aff det Naffn, Danmarckis, Suerigis, Norgis, Vendis oc Gotthis Konge, et cetera, som vaar den Første aff det Oldenborgiske Stamme: De regærede udi 33 Aar, fra det 1448, oc indtil det 1481 Aar, der hand den 22. Maji salig i Gud er hensoffuet*, Kiøbenhaffn 1599 (Crawford 1971, pp. 203, 314–17).

shares her view.[28] Crawford argues that the tax exemption of the earl's bordlands proves that the butter and malt taxes went to the king, like the tax exemption on the manors in Norway. Moreover, tax was paid by other earldom estates, the so-called "auld earldom", and Crawford is right in thinking that it is totally improbable that the earl would have taxed his own properties. We must therefore assume that the tax was to go to the crown in the High and Late Middle Ages.

Crawford believes, however, that the kings did not receive this tax when there were earls of age in the earldom, because then there were no sheriffs in the islands. She thus suggests that some of the taxes may have been retained by the earls when they were of age.[29] This conclusion is based on Crawford's assumption that the king did not have representatives in Orkney when there were earls of age after 1231. Crawford cites evidence that the king did not receive tax when Earl William withheld the king's revenues from Orkney just before the islands were pawned in 1468.[30]

By claiming that the king always demanded and believed himself entitled to tax revenues from Orkney, Crawford indirectly argues, in my judgement, that the king had representatives on the islands even when there was an earl who was of age. The tax revenues were probably the most important reason the king had a sheriff in Orkney. We must assume, moreover, that the king received fines from there, because the administration of justice was in the king's hands. A share of the revenue from fines was supposed to go to the sheriff, the rest to the king. And if we look at the situation in Iceland, there can be no doubt that tax collection was controlled from Bergen and that it did not involve only local king's men, but also emissaries from the treasurer in the fourteenth century. Nor do we have any examples of earls who were of age collecting revenue that was to go to the king before 1397, but we do have several examples of the king's officials assuming this duty, although in times of minority or abeyance of the earldom, as indicated by Crawford. In addition, the king had revenue from royal estates in the earldom.[31]

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[28] Crawford 1971, p. 192; Imsen 2000, p. 176. Cf. ch. 2.
[29] Crawford 1971, pp. 192, 201–202; Imsen 2000, p. 176.
[30] Crawford 1971, pp. 315–17.
[31] See Thomson 2001, pp. 162, 222–28 on categories of landed property in Orkney in the Middle Ages.

In the Norwegian realm, the periphery was integrated into the increasingly centralized government of the kingdom in the thirteenth century. It therefore seems unlikely that the crown would have left the direct rule of Orkney to an earl with virtually princely dignity after 1267. The change in the earls' position and role after 1195 was of such a kind that the earldom could survive the growing centralization of royal power and the crown's increased control of the kingdom's resources and inhabitants. The king probably had representatives on the spot in the earldom, looking after the interests of the kingdom whether the earl was of age or not. We therefore cannot rule out a situation with two parallel systems of government in Orkney after 1267: the king's officials were responsible for the king's interests, while the earl and his men managed the earl's interests. And even though many things in Orkney were harmonized with judicial and administrative conditions in Norway, the status of Orkney as an earldom and the existence of an indigenous dynasty of earls mean that these islands had a position of their own in the king's realm.

Shetland

Torvald Toresson, the lawthing, and local public life

In 1299 Torvald Toresson was responsible for collecting rents for Duke Håkon Magnusson from the crown properties on Papa Stour, one of the westernmost of the Shetland islands. That year the collecting brought Torvald into conflict with Ragnhild, a local woman, who claimed that Torvald was cheating the duke out of rent.[32] The charge was made in public, and was so serious that Torvald wanted to nullify the accusations against him. He therefore brought the matter to the lawthing, where the lawthingmen took witness statements, both about the quarrel between Torvald and Ragnhild and about the size of the duke's rents from Papa Stour. They acquitted Torvald of all the charges and sent a letter about their examination of the case to the duke in Norway.[33]

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[32] *DN* I 89.

[33] See Barbara E. Crawford and Beverley Ballin Smith, *The Biggins, Papa Stour, Shetland: The History and Excavation of a Royal Norwegian Farm*, Society on Antiquaries of Scotland Monograph Series 15, Edinburgh 1999, pp. 47–52; Crawford 2002, pp. 16–19 for information about the letter of 1299 and the circumstances. As a

A letter of judgement from the lawthing in Shetland from 1307 shows that Torvald had once again been subject to investigation by the thing.[34] The judgement was pronounced after a woman named Bjørg had brought charges against him to the lawthing. Bjørg had been given a heavy fine for some unknown offence. She and Torvald had reached a private settlement about the payment of the fine, but after Torvald had tried repeatedly to collect the money—and had sought advice from both the local lawman and the influential lawman of the Gulating—it ended with Bjørg herself bringing the matter to the lawthing. Here the lawman judged in Torvald's favour after consultation with the local liegemen and members of the lawthing's law court, the lawrightmen.

These documents from Shetland give a unique insight into different aspects of local public life in the High Middle Ages, and particularly the letter of 1299 has been of great interest to historians.[35] We shall now use the content of these documents to see how the administrative apparatus and the local public sphere functioned in Shetland, and to ascertain who dominated public life in the tributary land around 1300.

Although Torvald is not given any official title in the sources, the tasks he was performing show that he was sheriff in Shetland. It was only sheriffs who could reach settlements with offenders in the way Torvald did with Bjørg.[36] Moreover, Torvald was a knight and also active in other royal service. It is not certain that he was a Shetlander, since he got married twice in Norway. His second marriage was with the baron Jon Ivarsson's daughter. Torvald was thus the brother-in-law

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knight, Torvald could not be charged and judged by a local court. He had to be judged by his peers, and only the king (i.e. the duke) could strip him of his sheriffdom (*H*, ch. 20, 34, 40, 42). It was thus his fellow hird members and the duke who had the last word on this matter.

[34] *DN* I 109.

[35] P. A. Munch's analyses and conclusions in *Det Norske Folks Historie* laid the foundation for the current view of Torvald and the events on Papa Stour in 1299 (Helle 2002, p. 45; *NFH* IV, 2, pp. 185–86). The letter, and the events it describes, was the theme of a conference in Shetland in 1999. Several of the papers from the conference have been printed in *CM* 15 2002. See also Crawford 1984 and 1992; Imsen 1990 and 1994; and Brian Smith's paper at the 1999 conference, Smith 2000. See also Lunden 2003, pp. 303–16.

[36] See Crawford 1992, p. 69; Smith 2000, p. 1; Helle 2002, p. 50; Imsen 2002b, pp. 62, 67 where Torvald is also called sheriff. Although this type of settlement created a more elastic system of justice, the practice was also open to abuse and there were later attempts to abolish it (Helle 2002, pp. 51–53; Imsen 2002b, p. 76).

of Baron Havtore Jonsson, King Håkon V's close friend and son-in-law. Torvald was a member of the upper Norwegian aristocracy, part of the stratum from which sheriffs in Norway were recruited.[37] Yet even though Torvald had close ties to Norway and the Norwegian aristocracy, and probably spent a great deal of his time in Bergen, he was also present in local public life in Shetland. He was no distant sheriff who left the day-to-day running of his district to others. The reason for his personal involvement may have been that Torvald had authority over an area where he himself had major economic interests in the form of landed property. This gave him a very strong position in the community.[38]

The core of the investigation report of 1299 is the part about the duke's rents from Papa Stour. Historians have tried to establish whether Torvald really did cheat the duke or if there was something else behind Ragnhild's serious accusations. We shall leave the question of guilt to one side and instead look more closely at what the letter says about the collection of rents and the role of the local public sphere in determining how large the rents should be.

In defence of his perception of the size of the rent, Torvald brought up previous investigations into rents from Papa Stour. He points out that "so many good men have dealt with this, Torkel of Nes, Sir Eirik, Archdeacon Sigurd, Sir Eindride, and many other able men, who formerly had authority from my lord the duke concerning the amount of rent they took for him in Papey."[39] Historians cannot agree about whether Torvald is referring in this statement to men who

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[37] In 1289 "Thorwaldum de Shetland" was emissary of King Eirik Magnusson to England, and he is mentioned first of the knights in the peace treaty with Denmark in 1309. In 1306 he was a witness in his capacity as one of several "good men" present in Bergen (*DN* XIX 328, IX 82, XII 42). See Crawford 1992, p. 73; Helle 1982, p. 564; Helle 2002, pp. 46–48; Imsen 2002b, p. 76 on Torvald's "nationality", family background, and ties to Norway and the Norwegian aristocracy.

[38] On Torvald's landed property in Shetland, see. Crawford 1984, pp. 52–56. Imsen talks of "feudal status" when sheriffs had authority over areas where they themselves had private land holdings. He takes as an example Erling Vidkunsson, who was sheriff of Sunnmøre and lord of Giske, the sheriffdom's greatest estate. Imsen emphasizes that he can only demonstrate such conditions in south-west and north-west Norway before 1350 (Imsen 1990, pp. 88–89). However, we shall see the same thing in Iceland (cf. ch. 7).

[39] *DN* I 89. Original: "her hafa sua margir goðir menn um uellt sem var Þorkell i Nesi herra Eirikr Sigurðr erkidiakn herra Eindriði ok margir aðrir dugandi menn þeir er hafðo umboðs mins herra hertogans huilka landskylld þeir toko hanom til handa i Papey. fyr mer" (Eng. transl. Imsen 2002b, p. 63).

were representatives of the duke and collected rents on Papa Stour before Torvald, or to a ducal commission which had previously investigated the question of rents and perhaps reassessed the king's estates in Shetland. Whereas Brian Smith thinks that the reference is to a commission sent to reassess the rents, Barbara E. Crawford is more reserved when she concludes that several prominent Norwegians and the leading clerics in Shetland—perhaps in the form of one or more commissions—had previously had the assignment of trying to resolve the problems of rents and taxes on Papa Stour.[40] Norwegian historians Steinar Imsen and Knut Helle, on the other hand, have a completely different explanation. Although Imsen does not take a precise stance on the issue, assuming that Crawford is right, he nevertheless points out that Torvald only mentions these "good men" as royal agents who had previously had the charge of collecting, and probably calculating the amount of the rent from Papa Stour, and that Torvald had acquired his knowledge from them.[41] The last two words in Torvald's statement in Old Norse, "fyr mer", are crucial for the interpretation. Crawford, Smith, and Imsen all translate this as "before me" or "formerly". However there are other translations that are more grammatically correct, namely, "for me" (ON *fyrrmeirr*) in the sense of "on my behalf.[42] This interpretation would therefore say that these men had collected rents for Torvald. Helle is in no doubt that the reference is to previous rent collectors and not to any commission. He points out that the men are not named according to rank as they would have been if the letter had referred to a commission.[43]

Smith's argument is influenced by his overall problem, namely, the question whether there was any reassessment of landed property in Shetland in the High Middle Ages. In my judgement, Helle's and Imsen's explanations make the best sense, because we have other examples of men being sent out from Norway to collect the king's revenue in the tributary lands.[44] These emissaries belonged to the circle of

[40] For information about "pennylands", "ouncelands", and the evaluation of agricultural land in Shetland, see Smith 2002, pp. 5–7. Smith's argument for a commission and reassessment can be found in Smith 2000, pp. 9–12 and 2002, pp. 40–41, n. 11. For Crawford's view, see 1992, pp. 78, 80 and 2002, pp. 18–19.

[41] Imsen 2002b, p. 63.

[42] Crawford 1992, p. 78, 80; Smith 2000, p. 2; ibid.

[43] Helle 2002, p. 55, n. 34.

[44] As we have seen, Bjarne Audunsson collected the king's revenue from Orkney and Shetland some time between 1306 and 1312. And from Iceland we have many

royal officials in Bergen. As we know the names, we can identify several of the "good men" who had collected the duke's rents in Shetland before 1299. Sigurd was archdeacon, the most senior cleric in Shetland. Sir Eirik was probably the abbot of Munkeliv monastery outside Bergen, and a friend to both Torvald and Duke Håkon. Sir Eindride may have been Eindride Simonsson, who later became lawman of Bergen.[45]

Smith believes that a high-ranking cleric like Abbot Eirik would scarcely have performed tasks of this type, but we know that Abbot Eirik acted on behalf of Duke Håkon in other matters. In 1295 he held a court of justice in Ryfylke for the duke, in a case between a priest and several farmers about fishing rights.[46] Eindride can be compared to Bjarne Audunsson and the Icelander Haukr Erlendsson, who had similar assignments in Orkney and Shetland and in Iceland respectively, and were royal officials in Norway. Secular royal officials and clerics also looked after the king's interests in Shetland.

It cannot be ruled out, however, that the good men may have acted as representatives of Torvald. That would also give more meaning to the correct grammatical significance of "fyr mer". It would not have been unnatural for the archdeacon to have been Torvald's local representative. His daughter Herdis used a priest as her private agent in Shetland in the mid-fourteenth century.

Steinar Imsen believes that Ragnhild's words "but all you who knew of it have betrayed the duke" refer to other ducal vassals in Shetland. Even if the 1299 letter does not mention anything of this kind, Imsen thinks that the reference to the liegemen as a group in the 1307 letter shows that there was a group of vassals or liegemen in Shetland who supported the sheriff. He also envisages that local liegemen may have been Torvald's representatives, although we have no evidence for this. In Imsen's view, Torvald's desire to be cleared of all the accusations and to swear his innocence before the lawthing shows that Torvald and the other duke's men in the land enjoyed *privilegium fori*, that is, the right to be judged by equals in cases of treason and matters such as economic betrayal.[47]

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examples of emissaries from Bergen going out and, in cooperation with the local officials, collecting and checking the king's regular revenue and other dues and then bringing this back to Bergen (ch. 5 and 6 on Iceland).

[45] Crawford 1992, pp. 80–81; Helle, ibid.

[46] Smith 2000, p. 10; *DN* II 35. See Helle 1972, p. 589 on relations between Abbot Eirik and Duke Håkon.

[47] Imsen 2002b, pp. 64–65, 67, 76. See *H*, p. 35 on *privilegium fori*.

Sir Eirik Ungi was a lawthingman in 1299. We have examples of members of the law court being king's men at the Gulating lawthing early in the fourteenth century, and we shall see later that in Iceland assessors tended to come from the same families and the same social groups as the king's officials.[48] In the 1307 letter, the Shetland lawman states that the judgement was pronounced after the consultation and consent of the liegemen and the lawrightmen.[49] It is possible that the liegemen gave their advice and consent because a king's man had been brought before the lawthing, but they seem to have had a direct influence on the verdict. We have no examples of liegemen assembling as a separate group at the lawthing in Norway, but we have already encountered them as a group at the Icelandic Alþingi, in connection with the adoption of *Jónsbók*.[50] Moreover, in the case with the woman Bjørg, Torvald had asked both the local lawman and the Gulating lawman, Haukr Erlendsson, for advice before the case ended up at the lawthing. A central king's man was thus brought into a local matter. The Icelandic lawmen also had many contacts with the Gulating lawman, who most likely functioned as adviser and supervisor of the judicial organization in the tributary lands.[51]

Imsen also envisages that the twelve lawrightmen who are named in 1307 may have been liegemen.[52] This could well be, although they are presented like an ordinary twelve-man jury or tribunal in the letter. Imsen points out that in Norway it was a local elite of farmers, some of them with links to the hird, who judged local cases at all levels.[53] And since the liegemen were also a separate group at the thing, he draws the conclusion that the local elite in Shetland was tied to the hird and the crown.[54] Imsen thinks that the local king's men in the tributary lands undertook assignments for the sheriff, including tasks that were performed in Norway by the sheriffs' agents (*lénsmenn*). As a result, he

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[48] Imsen 1994, p. 258.
[49] *DN* I 109.
[50] Imsen 2002b, p. 71. On the Icelandic liegemen, see this chapter on Iceland.
[51] Helle 2002, p. 53. Haukr Erlendsson was an Icelander and had been lawman in Iceland before he began a long career as lawman in Norway early in the fourteenth century. He was lawman of Gulating in three periods, 1303–1306, 1309–1311, and 1316–1322. See Helle 1972, pp. 460–63, 598–99 on the lawman of Gulating and Haukr Erlendsson. See the next chapter for the Icelandic lawmen's contacts with the lawman of Gulating.
[52] Imsen 2002b, pp. 64–65, 67, 76.
[53] Imsen 1990, p. 96.
[54] Imsen 2002b, pp. 75–76.

claims the post of *lénsmann* was not established in the tributary lands. We shall see, however, that the sheriffs in Iceland had agents, and we have no direct examples of the king's liegemen functioning as agents of the king's sheriffs in the other tributary lands.

Regardless of what the role of the local, royal liegemen was, the documents from 1299 and 1307 testify to the strong position enjoyed by the sheriff and the king's liegemen in the local community and at the lawthing in Shetland. Both the sheriff and the other king's men were obliged to attend the lawthing.[55] Although the letters from Shetland may give the impression that the lawthing and local public life in Shetland were totally dominated by Torvald and the other king's men, it does not seem to have been quite that simple. Ragnhild was not afraid to speak out against the sheriff, nor was Bjørg afraid to bring her complaint to the lawthing.

In the 1299 letter there is no mention of the lawman, but in 1307 Ivar the lawman is the central actor. He pronounced the verdict and wrote the letter of judgement. Of the two Shetland lawmen we know from this period, Ivar and Sigurd in 1298, Sigurd was a knight.[56] There is no doubt that there were close ties between the sheriff and the lawman in Shetland in 1307, and between these two and central royal officials in Norway. The king's men had a firm grip on Shetland society, and in administrative, economic, and judicial terms, Shetland was an integral part of the realm of Norway around 1300.

The 'commune' of Shetland

The most important function of the lawthing was to serve as a public centre for the Shetland community. The local public sphere had real power, even *vis-à-vis* the king's local representatives: the lawthingmen represented the Shetlanders' collective view of Torvald's behaviour in 1299, and Torvald was dependent on their opinion in his relations with the duke.[57]

The mechanisms of the local community also protected the interests of the crown against abuse by the king's men. In this case we see it in the role the lawthing and the local public sphere played in calculating the duke's rents from Papa Stour. By determining the amount of the

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[55] Imsen 2002b, pp. 69–71; *ML*, pp. 6–9.
[56] *Sb*, p. 45.
[57] Imsen 2002b, p. 74.

rents and how they were to be calculated, the lawthing also performed a kind of delegated legislation. It was also the community that established how much the duke should receive in rent. When King Magnus Eriksson undertook the registration of royal estates and royal revenue in Norway in the 1340s, the king's emissaries based their reports on public replies at the local assemblies; in other words, the information was provided by the local community.[58]

The Shetland lawthing and the common people of Shetland had an official symbol of their role in local public life and in the government of the tributary land. In 1299, although the Shetland lawthing men signed the letter with their own seals, it was only because they did not have the lawthing seal to hand. In 1307, however, they signed using "our seal" ("var jnsigle"). From the time of King Magnus Håkonsson the regional assemblies in the realm were provided with lawthing seals or provincial seals. The seals were used to confirm judgements at the lawthing, but they were also used for elections and acclamations of kings. The Norwegian seals were usually created under the auspices of the king, and the motif tended to be a depiction of the arms of the kingdom and the national seal. The seals can be associated with the king's authority, and their design signalled that the territory belonged to the kingdom of Norway. From the tributary lands there are seals preserved from Orkney and the Faroes. The motif on both the Faroese and the Orkney seals can be traced back to the end of the thirteenth or the start of the fourteenth century.[59] The seals in the tributary lands were linked to the population through terms such as "the lawthing seal", "our seal", "the seal of the common people", "the commune seal", or "the country's seal", and they could be in the keeping of the lawman or the church. The seal gave legitimacy to the pronouncements of the lawthing, but it could also be used politically, for example, in supplications from the common people to the king. The Shetland lawrightmen describe the seal both as "the lawthing seal"

[58] Imsen 2002b, pp. 70–75. See also Imsen 1990, pp. 109–11.

[59] Hallvard Trætteberg, "Lagtingssegl", *KLNM* X, 1965, cols. 184–92, and "Landskapssegl", ibid., cols. 262–63. There may have been an Icelandic seal, since there is mention of an Icelandic coat of arms at the end of the thirteenth century, and the country had its own provincial seal in 1550. See Hallvard Trætteberg, "Landskapsvåpen", *KLNM* X, 1965, cols. 268–76. See also Imsen 1994, p. 264; Guðný Jónasdóttir, "Det islandske falkevåpen, bakgrunn og historie", *Heraldisk tidsskrift* 10, 92, 2005, pp. 57–71.

(1299) and "our seal" (1307); in both cases the seal is a symbol of the public community.[60]

The authority of the lawthing and its men was enshrined in law and royal charters, and the seal confirmed this authority of the tributary 'commune'. And although the Orkney seal was in the keeping of the lawman at the start of the fifteenth century, there is nothing to suggest that the lawthing seal was used by him alone. The lawthing seal belonged to the people who assembled for the assembly, and there were violent reactions in Orkney when the sheriff, or rather the fiefholder in this case, took the seal from them early in the fifteenth century.[61]

In the days of Duke Håkon, Shetland functioned more or less like a sheriffdom in Norway, with one exception: the king's sheriff was actively present and acted like a part of a local aristocracy that seems to have dominated local public life in Shetland. Nothing similar is attested from Norway in this period.[62] The case of Shetland testifies to the existence of far-reaching cooperation between the king's men and the common people in the administration of justice, showing that the ordinary Shetlander had access to the country's supreme court in disputes with local authorities. Indeed, even the king's man had to clear himself of accusations of economic disloyalty in the local public sphere. At the same time, power relations in this society are fairly clear. Torvald was a man of might, and his role in local public life in Shetland shows that, alongside the official character of the governing mechanism, feudal relations must have played an important part.

Iceland

The sheriffs

In Iceland the old quarters served as a basis for the division into sheriffdoms in this first period. The districts, however, were not permanently defined, and they varied in size. Both sheriffdoms and quarters, moreover, could be divided among several sheriffs, and one and the same

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[60] Shetland: "logþinngis insigli" (*DN* I 89), "var jnsigle" (*DN* I 109). Orkney: "sub sigillo nostro comuni" (*DN* II 337 (1357)) and "landzsins insigle" in 1425–26 were in the keeping of the Orkney lawman (*DN* II 691).

[61] Imsen 1994, p. 260.

[62] Cf. ibid., p. 264.

sheriff could have several sheriffdoms.[63] In Iceland between one and four quarters were divided among two to nine sheriffs—if we take into account the division of sheriffdoms—until 1319.[64] Iceland is estimated to have had a population of 40,000–60,000. In terms of the number of inhabitants, then, the number of sheriffdoms in Iceland corresponds roughly to the number in Norway. The other tributary lands consisted of a single sheriffdom throughout the fourteenth century.[65]

The shrieval organization in Iceland displayed stability during the first decades, but after the death of Hrafn Oddson and Þorvarðr Þórarinsson in 1289 and 1296, there were frequent changes of sheriffdoms and sheriffs.[66] When it comes to the sheriffs' duties, it is mainly the period from 1273 to 1290 for which we have information. Þorvarðr Þórarinsson was sheriff of Southern Iceland from 1273 to *c.* 1280, when Ásgrímr Þorsteinsson took over and held the district until 1285. The sheriffs collected revenues; they were police and prosecutors; they were responsible for the king's property; and they participated at the Alþingi and at local assemblies.[67]

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[63] Hrafn Oddsson and Ásgrímr Þorsteinsson shared parts of Hrafn's sheriffdom early in the 1280s (*Asb*, ch. 58). Axel Kristinsson thinks it possible that Ásgrímr may have held the sheriffdom as Hrafn's agent, but it is clear from *Árna saga biskups* that Ásgrímr is sheriff. He had the sheriffdom after Þorvarðr Þórarinsson (*IA*, pp. 387, 390; e.g. *Asb*, ch. 68). Axel Kristinsson also envisages a similar situation between the sheriffs Alf Bassesson of Kroken and Sveinn langr Þórisson *c.* 1301–1305 (Axel Kristinsson 1998, p. 119, n. 31). See also *IA*, p. 353 (1345) on the division into sheriffdoms.

[64] In earlier research it has been concluded that there were twelve sheriffs in Iceland, corresponding to the number of local assemblies in *Jónsbók* (Axel Kristinsson 1998, pp. 114–21). A division into sheriffdoms based on the quarters, however, is also confirmed by statements in *Jónsbók* (*Jb*, p. 98, § 2). The geographical extent was usually indicated with reference to the quarters comprised by the sheriffdoms. Later the sheriffdoms could also be named after persons and local assemblies. Named sheriffdoms, and sheriffdoms connected to local assemblies, occur primarily from the fifteenth and sixteenth centuries (Axel Kristinsson 1998, pp. 121–22; see e.g. *DI* IV 324, 336, 360).

[65] Gunnar Karlsson 1975, pp. 5–7. Cf. ch. 3 on Norway.

[66] *Sheriffs 1273–1319* (uncertain ones in parentheses): Hrafn Oddsson (1273–1289), Þorvarðr Þórarinsson (1273–1280, 1289–1296), Ásgrímr Þorsteinsson (1280–1285), Eyjólfr Ásgrímsson (1285–1302), Erlendr Óláfsson (1292–1301), Þórðr Hallsson (1292–1301), Peter Gudleiksson (1293), Snorri Ingimundarson (1295–1301) Gudmund Skallstikle (1296), (Kolbeinn Bjarnason) (1309), Sturla Jónsson (1298–1304), Sveinn langr Þórisson (1301–1310), Alf Bassesson of Kroken (1301–1305), Haukr Erlendsson (1306–1308), (Loftr Hálfdanarson) (1312), and Ívarr holmr Jónsson (1307–1312). Periods of office must be regarded as suggestions, and in some cases we do not know for sure whether the person held office. For all officials in Iceland and periods of office, see the table in the appendix.

[67] *Asb*, ch. 40–42, 65 (Þorvarðr) and 65, 67, 68, 70–72, 75 (Ásgrímr). Þorvarðr's career as sheriff seems to have been over the first time round *c.* 1280. He was living

The task of collection chiefly involved taxes and fines. The king received forty feet of homespun from each full farmer, that is, each farmer who paid *þingfararkaup*. Of this, twenty feet was the actual *þingfararkaup*, which went to the sheriff. From 1314, homeless people with any wealth had to pay tax too. Moreover, the king's emissaries collected the *víseyrir*, the king's regular revenue from a sýsla (e.g. fines, rent on royal estates), from the 1270s.[68] The clergy and many of the liegemen enjoyed tax exemption. Taxes were collected at a special registration assembly each spring. In addition to tax and fines, anyone importing goods from Iceland to Norway had to pay *sekkjagjald*, a disembarkation toll from the end of the fourteenth century. There were also attempts to demand army levy from the Icelanders in 1286. In addition, the king had a few properties in Iceland, chiefly Bessastaðir and Eyvindarstaðir in Álftanes, formerly owned by Snorri Sturluson.[69]

While Ásgrímr's sometimes harsh treatment of the inhabitants of his district provoked Bishop Árni, the bishop's conflicts with Þorvarðr reveal the outcome of the introduction of Norwegian law and judicial practice, showing that matters in Norway had direct consequences for the rule of Iceland.

In a letter to King Magnus Håkonsson in 1276, Þorvarðr reported on the state of his district. Þorvarðr was by and large satisfied with the way the inhabitants behaved towards him and the kingdom, with one exception: Bishop Árni interfered in Þorvarðr's business. The dissent between the sheriff and the bishop was confirmed the year after, when it was the bishop's turn to complain to the king. Þorvarðr was the only one of the king's men with whom the bishop was not on good terms, Árni wrote to the king.[70] In *Árna saga biskups* we see that the bishop interfered in Þorvarðr's business after the inhabitants of the district had sought his support against the sheriff. The problems mainly (or often) arose in cases where Þorvarðr followed the rules in

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in Norway for most of the 1280s, in the company of Lodin Lepp and other of the king's men. Þorvarðr was the leading king's man in Iceland after the death of Hrafn Oddsson in 1289 until he himself died in 1296 (*Asb*, ch. 65, 71, 94, 130, 138; *IA*, pp. 197, 339, 385, 485).

[68] The *víseyrir* is mentioned as early as 1277 in the case of Iceland (*Asb*, ch. 44). See NgL V, Glossarium, p. 719; Magnus Rindal, "Víseyrir", *KLNM* XX, Oslo 1976, cols. 168–69.

[69] Blom 1961, cols. 125–27; Magnús Már Lárusson, "Handelsavgifter", *Island*, *KLNM* VI, 1961, cols. 127–28. Björn Þorsteinsson and Sigurður Líndal 1978, pp. 93–99. See Helgi Þorláksson 2010, pp. 167–70, on Icelanders and customs.

[70] *Asb*, ch. 42, 45.

Járnsíða as the king's prosecutor, while the inhabitants and the bishop referred to older Icelandic law. The transition from old to new law took time and caused headaches for Þorvarðr as representative of the king and thus of the law. In addition, very many of Þorvarðr's and the bishop's disputes had their origin in the question of the church's and the king's jurisdiction—a central controversy in Norway from the 1270s onwards. This uncertainty spread to Iceland. Þorvarðr disliked the way matters he thought should be considered and judged by the king's men, in keeping with the stipulations of *Járnsíða*, were handled by the church's men instead.[71] Relations between Þorvarðr and the bishop were not made any better by the fact that Þorvarðr, like most of the king's men, was firmly committed to the laymen's side in the contest over the Icelandic church property. The sheriffs in Iceland were involved in writing letters to the king and the archbishop on this matter, and they took part in the negotiations with the bishop on behalf of the laymen. Moreover, the sheriffs had either direct or indirect private interests in the conflict, and they used their positions for their own interests.[72]

The account in *Árna saga biskups* stops abruptly in 1290, and from then on we have only scattered information about the activity of the king's men in Iceland in this period. Alf Bassesson, from Kroken in Sogn, in western Norway, who was the king's sheriff, and possibly governor, put forward the king's demand for a special tax at the local assemblies in 1305. Alf's message was not well received, and the matter ended up at the Alþingi, where Haukr Erlendsson, who held a sheriffdom *c*. 1306–1308, was one of those who expressed an opinion about the king's demands, together with the two lawmen. Haukr had previously been lawman in Iceland, and we have already encountered him as the lawman of Gulating. He evidently commanded great respect for his legal competence. He is also referred to as a lawman in the Icelandic annals on this occasion.[73]

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[71] *Asb*, ch. 40–42.

[72] See e.g. *Asb*, ch. 38, 76–78, 83–85 on the role of the sheriffs and king's men in the conflict. On the contest about church property, i.e. Bishop Árni's attempt to abolish the proprietary church system in Iceland, see Magnús Stefánsson 1978, pp. 127–45 and 2003, p. 217–18.

[73] *IA*, pp. 53, 74, 340, 389–90; *Lsb*, ch. 17. Haukr took up testimony from three men about flotsam in the form of timber and whales at a farm in Álftanes (*DI* II 194, IV 5 [1307]). See Björn Þorsteinsson and Sigurður Líndal 1978, pp. 82–83 on Alf.

The sheriffs were thus present at the Alþingi in this period, as they were obliged to be by law, but we have no examples to show that they appointed representatives to the lawthing. Even if it might have been the crown's intention that sheriffs should not have their district in areas where they had property of their own, it seems that the Icelandic sheriffs in this first phase mostly lived on their own farms in their administrative districts.[74]

It is primarily in the normative source material where we encounter the sheriff's agents, who were called *sóknarmenn and lénsmenn* in Iceland.[75] The sheriff's agents were supposed to be selected by the sheriffs, but from 1319–20 the Icelanders demanded the right to choose them. It would seem as if the sheriffs chose agents against the wishes of the inhabitants, and that there may have been bonds between sheriffs and their agents that the common people objected to. It is possible that the sheriffs maintained the practice from the days when chieftains ruled, when there were close, personal links between chieftains and their men.[76] According to *Jónsbók* there were to be a maximum of four sheriff's agents in each quarter, and only two if the sheriff himself resided there.[77] King Håkon V Magnusson's desire for firmer control of the sheriffs' and their agents' activities also resulted in amendments to the law applying to Iceland.[78] Hrafn Oddsson had agents in the 1280s. He used a *sóknarmaðr's* mark when he confiscated property in 1287. A Sveinbjǫrn from Súðavík may have been Hrafn's local agent in the West Fjords. Older traditions seem to have survived too. In 1288 Hrafn put his son Sturla in charge of his territory when he went to Norway.[79]

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[74] Hrafn Oddsson, for example, lived on his own farm of Glaumbær in Skagafjörður in the Northern Quarter, which was within his own sheriffdom. There were exceptions, however. Norwegians who had sheriffdoms in Iceland seem to have lodged with others. In 1293 the Norwegian Peter Gudleiksson came to Iceland as sheriff of the Northern Quarter. He stayed only one winter, when he lived as the bishop's guest at the see of Hólar (*Lsb*, ch. 9).

[75] The term *sóknarmenn* derives from the *hreppr*, the local administrative organization primarily known from *Grágás* (Axel Kristinsson 1998, p. 131). In *Jónsbók* the term *sóknarmenn* (lit. prosecutors) is applied to the sheriff's agents (*Jb*, e.g. pp. 82, 98, 110), but *lénsmaðr* also occurs (*Jb*, p. 98). In *Járnsíða* they are called *sóknarmenn*.

[76] *DI* II 343 [1320]. The choice of *lénsmenn* was also a topic in Norway in the reign of Håkon V (Imsen 1990, pp. 36–37, 139).

[77] *Jb*, p. 98, § 2.

[78] *DI* II 199 (1309), 213 (1313), 237 (1318).

[79] *Asb*, ch. 119, 120, 135 (n. p. 166).

Lodin Lepp had attendants with him—probably armed men—when he was in Iceland as an emissary in 1280–81.[80] Since we have examples of sheriffs in Iceland having attendants after 1319, it cannot be ruled out that they also had them earlier.[81] Keeping such attendants is reminiscent of the retainers the chieftains in Iceland travelled with, who in the thirteenth century were heavily inspired by the hird institution. It is nevertheless striking that Alf of Kroken does not seem to have had armed men to defend him when he was attacked by the mob at the Hegranes assembly in 1305, after having presented new tax demands on behalf of the king. Several of the Icelandic knights had to come to his rescue.[82]

From Norway we know that the sheriffs often left the management of the sheriffdom to their agents.[83] On the other hand, we have no examples from this period of Icelandic sheriffs leaving duties in revenue collection or the administration of justice to their men.

The sheriff institution in Iceland differs in several respects from its counterpart in the other tributary lands. To begin with, Iceland had several sheriffs. This arrangement led to challenges, but it was nevertheless supported by Bishop Árni. In a letter to the king in 1277 he pointed out that although Hrafn Oddsson was best equipped to govern the whole of Iceland alone, it was better for the common people, and less expensive, that there were several *valdsmenn*. The bishop added that the chieftains disagreed among themselves, but they were loyal to the king.[84] It seems reasonable to believe that the bishop was referring to Hrafn and Þorvarðr and discord between them. Hrafn was the leading king's man in Iceland. His position is particularly visible in the conflict over church property. Hrafn led the way in the laymen's confiscation of church property. He gave the laymen advice, interpreted letters from the king and the archbishop, and he negotiated on behalf of the laymen with Bishop Árni. At the end of his life Hrafn also admitted how strong his influence had been in the conflict. Moreover, in the mid-1280s Hrafn had the authority to appoint temporary sheriffs, and to command liegemen to assemble at the Alþingi. It was also Hrafn who received the king's demands for naval levy from Iceland

[80] *Asb*, ch. 62.
[81] *Lsb*, ch. 53; *IA*, p. 285 (1399).
[82] *IA*, p. 390; *Lsb*, ch. 17.
[83] Imsen 1990, p. 88; Dørum 2004; pp. 311–12, 340–47, 363.
[84] *Asb*, ch. 45.

in 1286, because the messenger from Norway perceived him as the leading king's men.[85]

In 1320 the title *hirðstjóri*, literally "hird manager" or 'governor', occurs in the sources for the first time in connection with Iceland. The fourteenth-century *hirðstjóri* was a governor or senior sheriff and the king's top official in regional administration, with a district comprising several sheriffdoms. Hrafn is often called the first governor of Iceland, because he was above Þorvarðr in rank from 1279, and was the leader of the local liegemen.[86] In the traditional use of the designation, however, as we know it from *Hirðskrá*, both Hrafn and Þorvarðr could have borne the title. They were both knights and belonged to the topmost class of the royal hird; the *hirðstjórar* (pl.) consisted of all the *lendir menn*/barons, *skutilsveinar*/knights, and hird officers such as marshals (*stallari*) and standard-bearers (*merkismenn*).[87] Hrafn became a standard-bearer in 1279. From then on he had the same rank and rights as the barons. As a hird officer the standard-bearer, among other things, had to resolve disputes between hird members and deal with liegemen who did not follow the rules of the hird.[88] The title of standard-bearer placed Hrafn above Þorvarðr in rank and made him leader of the liegemen residing in Iceland. The king's men in Iceland thus appear to have been a separate branch of the king's hird, like the one King Håkon Håkonsson had had in Trondheim and later in Bergen and Oslo.[89]

Hrafn's role should primarily be associated with the size of Iceland and the need to supervise and control the many king's men who were in the country at any time. But the role was also a continuation of the position of power that Hrafn had had in Iceland since the 1250s. The shrieval organization thereby had its foundation in the old form of

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[85] See *Asb*, ch. 76–78, 83–85, 98, 110, 103, 124–145 for examples of Hrafn's leading role.

[86] See ch. 6 on the establishment of the office of governor in Iceland.

[87] *H*, p. 37.

[88] *IA*, pp. 70, 337; *Asb*, ch. 52. On *merkismenn* see Steinar Imsen's account in *H*, pp. 37, 44, and the regulation in *H*, ch. 18, 37, 48.

[89] The statement in *Hákonar saga Hákonarsonar* that there were two marshals can be interpreted to indicate that the division of rule we find in Norway between an Eastern (Eastern and Southern Norway) and a Northern (Western and Northern Norway) administration from the sixteenth century onwards may have had its roots in the High Middle Ages at the latest. *Hirðskrá* also uses the plural form for several of the officers in the hird (*H*, ch. 17, n. 30). In addition, Þorgils skarði Bǫðvarsson was leader of the king's men in Trondheim around 1250 (*Þsk*, ch. 8–10).

government. In the king's service Hrafn more or less achieved what the Icelandic chieftains had spent decades fighting for: absolute control of the whole country.

The title of standard-bearer was not applied to other king's men after Hrafn. But Þorvarðr Þórarinsson, Erlendr Óláfsson, and Alf of Kroken seem to have had a leading position among the king's men in Iceland after Hrafn's death in 1289.[90]

Royal presence in the local public sphere was of a more recent date in the tributary lands, and from Þorvarðr Þórarinsson's efforts to get the Icelanders to follow the provisions in *Járnsíða* in the 1270s we understand that the transition to the new form of government was not without problems. Yet the Icelanders nevertheless made use of both the royal institutions and the king's local representatives. These representatives in turn had extensive contacts with the central authorities in Norway. Iceland was thus firmly integrated into the kingdom as regards administration during the first two decades of direct royal rule.

The lawmen

Shetland, Orkney, and the Faroes constituted both a judicial district (*lǫgdæmi*) and a lawman's district (*lǫgsǫgn*); they each had one lawthing and one lawman. This was also the case in Iceland until 1277. After that there were two lawmen in Iceland, but just one lawthing. Iceland was thus divided into two lawman's districts, one comprising the Northern and the Western Quarters, the other the Southern and Eastern Quarters.[91] The Law Court of the Alþingi was divided to give

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[90] It seems that Þorvarðr took over as the leading king's man after Hrafn's death, and retained the position until his death in 1296. Among other things, Þorvarðr gave advice in the contest about church property (*IA*, pp. 197, 385 (1293)). Erlendr Óláfsson appears to have been the leading king's man after Þorvarðr. The knights Erlendr Óláfsson and Sturla Jónsson (sheriff) stripped the lawman Jón Einarsson of his title, in this case his knighthood, in 1299 (*IA*, pp. 146, 199 (1299)). Erlendr was followed by Alf Bassesson of Kroken, from 1301 to 1305, and possibly Erlendr's son Haukr, who was at any rate sheriff from 1306 to 1308. See also ch. 6.

[91] In *Árna saga biskups* Jón Einarsson is lawman from 1277 (*Asb*, ch. 45). The condensed notes in the annals make it look as if there were more than two lawmen at the same time. *Lawmen 1273–1319*: Sturla Þórðarson (1272–1278), (JS 1272–82); Jón Einarsson (1277–1299), (JS 1277–1294); Þorleifr Ketilsson (not in JS) (1281); Lodin of Bakke (1279, 1301–1302), (JS 1301); Erlendr Óláfsson (1283–1301), (JS 1283–1289); Hall Jónsson (not in JS) (1285); Þorlákr Narfason (1290–1291, 1293–1295, 1298–1299, (JS 1303)); Haukr Erlendsson (1294–1299); Þórðr Narfason (1296–1297, 1300), Sigurðr Guðmundarson (1290–1296), (JS 1290–1292); Þorsteinn [Hafbjarnarson] (1300); Bård Høgnesson (1301–1304, 1308), (JS 1301); Snorri Markússon (1302–1306); Guðmundr

one court for each of the two lawman's districts, and as in Norway, it could be divided into panels or tribunals consisting of six, twelve, or twenty-four assessors depending on the size and significance of the case.[92] Iceland was probably too big and had too many inhabitants for one lawman to be sufficient to carry out all the tasks incumbent on the lawman. The office of lawman in Iceland in this period is characterized by stability. Lawmen tended to hold office for several decades or several periods.[93] A position as lawman in Iceland could also be a springboard to a career as lawman in Norway, as in the case of Haukr Erlendsson.

The Icelandic lawmen functioned together at the Alþingi in the 1270s and 1280s.[94] Icelandic lawmen also took part at local assemblies.[95] As we have already seen, they were also the king's advisers on legislation, and for this purpose they passed on the Icelanders' requests for new laws or amendments to the king. An important part of the lawman's activity was to pronounce rulings, but only a few lawman's rulings are preserved from this period.[96]

The Icelandic lawmen were also directly involved in the government of the country and in the conflict over church property. The lawmen participated in the writing of letters to the king on that matter. The lawman Jón Einarsson brought *Jónsbók* to Iceland in 1280. He subsequently travelled around with Lodin Lepp, visiting local assemblies in order to hear the Icelanders' acclamation of King Eirik and Duke Håkon in 1280–81. It is highly possible that he simultaneously

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Sigurðarson (1302–18, 1321–1340); Guttormr Bjarnason (1307–1308), (JS 1307–18); Snorri Narfason (1306–1307, 1316–1318, 1320–1330), (JS 1320–1329); Grímr Þorsteinsson (1319–1320, 1330–1341 (JS 1330–1334), 1346–1350), Erlendr (or Erlingr) Hauksson (1319). The lawmen's periods of office must in some cases be regarded as suggestions because the information in the sources does not allow us to draw any firm conclusions. Names and years in parentheses starting with JS, are Jón Sigurðsson's where they diverge from mine. See Jón Sigurðsson, "Lögsögumanntal og lögmanna á Íslandi", *Safn til sögu Íslands* II, 1886, pp. 1–8, 39–77.

[92] Björn Þorsteinsson and Sigurður Líndal 1978, pp. 64–65.

[93] Jón Einarsson (1277–1299), (JS 1277–1294); Þorlákr Narfason (1290–1291, 1293–1295, 1298–1299 (JS 1303)); Erlendr Óláfsson (1283–1301), (JS 1283–1289); Þórðr Narfason (1296–1297, 1300), Guðmundr Sigurðarson (1302–18, 1321–1340), and Snorri Narfason (1306–1307, 1316–1318, 1320–1330), (JS 1320–1329).

[94] *Asb*, ch. 83, 88; *DI* IV 6.

[95] *DI* II 174.

[96] Some time between 1309 and 1318 Guðmundr Sigurðarson pronounced a verdict in a case between the monastery of Þingeyrar and a farmer (*DI* II 207), and in 1311 he passed judgement on a border marker at a provincial assembly (*DI* VI 5).

informed them about the king's new law code. Jón also took part in the work of having *Jónsbók* accepted at the Alþingi.[97] Furthermore, the Icelandic lawmen seem to have found it easy to play the role of royal judges.

Emissaries and liegemen without office

We have already seen that the king's emissaries were of great significance for the establishment of royal lordship over Iceland. They also had many assignments to discharge for the king in Iceland after 1264. In 1271 Eindride Boggul came to Iceland with *Járnsíða*, along with Þorvarðr Þórarinsson and Sturla Þórðarson.[98] Although it is not entirely clear from the sources, it seems as if Eindride had the main responsibility for the adoption of the law. He reported to the king when the Icelanders refused to accept the law code in its entirety, and he followed up the subsequent process in Iceland until the whole law code was adopted.[99] Lodin Lepp brought the king's new law code to Iceland in 1280 together with the lawman Jón Einarsson. Lodin and Jón had another mission besides this: they accepted the Icelanders' acclamation of King Eirik and Duke Håkon.[100] In 1319–20 another emissary came from Norway in connection with the acclamation of the king. He had previously brought amendments to Iceland.[101]

Revenue collection was supposed to be handled by the sheriffs, in principle, but already in the 1250s emissaries were sent from Norway to collect taxes and bring them back to Norway. In 1277–78 Eindride Boggul and Nikulás Oddsson held gatherings all over the country, demanding the king's regular revenue with greater severity than the Icelanders were used to.[102] Although we do not know for certain what mission Olav Ragnreidsson and Sighvatr Hálfdanarson really had on behalf of the king when they came to Iceland in 1288, it is reasonable to assume that they too were entrusted with the collection of the king's revenue.[103] The account in *Árna saga biskups* gives us a good insight into what the emissaries did in Iceland in the 1270s and 1280s. The

[97] Cf. ch. 3.
[98] *Asb*, ch. 18.
[99] *Asb*, ch. 18, 20, 25; *IA*, pp. 194, 484 (1273).
[100] Cf. ch. 3.
[101] *DI* II 343 [1320], 226 (1316); *RN* III 1130, cf. *NFH* Unionsperioden 1, p. 27, n. 1.
[102] *Asb*, ch. 44.
[103] *Asb*, ch. 126–128, 132–136; *IA*, pp. 51, 142.

emissaries, who acted in pairs, with one Norwegian and one Icelander, sought out the king's men when they arrived, but they also had to deal with Bishop Árni. Eindride and Nikulás came to blows with a priest when they were crossing a river and they had to explain themselves to the bishop. Moreover, Eindride had authority to negotiate with Bishop Árni about which ecclesiastical law the bishop was to use and he had the power to make decisions on behalf of the king.[104] Olav Ragnreidsson was quickly involved by Hrafn in the negotiations of the contest over church property, and then tried to mediate between Hrafn and the bishop. Olav had the authority to make at least preliminary decisions on behalf of the king, and at the Alþingi he seems to have brought the parties a little closer to each other.[105]

The emissary system may be regarded as an *ad hoc* supplement to the local administrative apparatus in the tributary lands. The emissaries tended to assume the weightier assignments that required greater authority than the local officials had. The king's apparatus was elastic and could be reinforced as needed. And even though the emissaries came to Iceland with specific tasks, they also had such general authority that they could broker local agreements between dissenting parties and settle cases that required the direct participation of royal government.[106] When letters from the king had to be brought to Iceland, this assignment was placed in the hands of some reliable man who had business to conduct there. He would then hand over the letters to the addressee.[107] The king's emissaries to Iceland came from Bergen, and several of them can also be linked to that town in other contexts.[108] It

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[104] *Asb*, ch. 49.

[105] *Asb*, ch. 132–36.

[106] On the authority of emissaries, see Arve Sletten's *"Plena Potestas": Ansatser til institusjonalisering av de norske kongenes diplomatiske relasjoner 1217–1319*, unpublished degree thesis in history, Trondheim 2003, 2.1.5 Fullmaktsbrev.

[107] The priest Guðmundr Hallsson came to Iceland on the king's business in 1286. He handed over a letter from the king to Hrafn (*Asb*, ch. 109). In 1292 the Icelandic knights Þórðr Hallsson, Kristófórus Vilhjálmsson, and others came to Iceland with messages from the king. Þórðr Hallsson was probably sheriff at this time (*IA*, pp. 143, 384, 485; *Lsb*, ch. 7). Some sources also mention a Sir Peter of Moi, but not Kristófórus. Bård Høgnesson, a Norwegian who became lawman in Iceland in 1301, came to Iceland with the king's message in 1295 (*IA*, pp. 198, 385).

[108] Lodin Lepp was a professional diplomat and widely known for his journeys on behalf of kings. Olav was a marshal (Helle 1972, p. 592). Eindride was also a Norwegian, but he is not known from any other context than as an emissary to Iceland. Gunnar Råsvein, who came to Iceland with amendments in 1319 and later with letters from

was also in the Bergen area that most of the contact between the king's Icelandic men and central royal officials took place.

In Iceland the liegemen acted as a separate group, for instance during the adoption of *Jónsbók*. We do not know of liegemen acting as a group at the regional assemblies in Norway, but we have already encountered them as a unified group at the Shetland lawthing.[109] In Iceland they functioned at the interface between the crown and the local community when Lodin Lepp pressured them to adopt *Jónsbók*.[110] In the conflict about church property the liegemen backed the king's officials as advisers.[111]

King Håkon Håkonsson probably had several hird divisions in Norway in the mid-thirteenth century. As we have mentioned in connection with Hrafn Oddsson's title of standard-bearer, there was also a kind of framework around the many liegemen in Iceland. The king's men are treated as a distinct group both in normative sources and in *Árna saga biskups*. The unity of the liegemen and their exclusiveness in relation to the other inhabitants is fully visible in the saga. In 1284 Hrafn consulted his *lǫgunautar* in the conflict with Bishop Árni. The term denotes men who follow the same law, in this case *Hirðskrá*, and Hrafn was referring to the king's men.[112] The link to the hird created bonds of loyalty and affiliation between the king's men, crossing the boundaries between the geographical units making up the kingdom. The Icelandic knights and the other liegemen associated with their *lǫganautar* in Norway as they had done before 1264. For instance, in 1294 several of them, including the lawmen Jón Einarsson and Erlendr Óláfsson, were witnesses to a lawman's rulings in Tønsberg.[113]

Furthermore, we have several examples of Icelanders bearing the honourific title "herra", but without visible office in either Iceland or Norway.[114] When the sheriff Alf of Kroken was attacked by the

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the Council concerning the acclamation of Magnus Eriksson, is also found in the Bergen area (*DN* II 169, 172, III 153).

[109] Imsen 2002b, p. 71; *DN* I 109.

[110] *Asb*, ch. 62–63, 103.

[111] *Asb*, ch. 80.

[112] *Asb*, e.g. ch. 60, 78, 80, 85.

[113] *Asb*, ch. 94 (*c.* 1284). *DI* II 153, 154 (1294). A hirdman called Snorri is also a witness in *DI* II 153. This is probably Snorri Ingimundarson, later knight and sheriff. Jón had also been a witness in Norway two years earlier, *DI* II 152.

[114] Sturla Hrafnsson (alive 1289), Oddr Þorvarðsson (*d.* 1301), Sighvatr Hálfdanarson (*d. c.* 1305), Kristófórus Vilhjálmsson (*d.* 1312), Loftr Hálfdanarson (*d.* 1312), Loftr Þórðarson (*d.* 1355). It is possible that Loftr Hálfdanarson was sheriff.

common people at the Hegranes assembly in 1305, *Herra* Þórðr Hallsson of Möðruvellir and other lords came to his rescue.[115] There were probably officials, or men who had previously held office, among these lords. But the liegemen also served the king in Iceland without having to occupy a permanent position in the administration. We also have several examples of Icelandic-born knights and ordinary hirdmen who were emissaries.[116]

Local public life: the common people and the king's men

The crown presupposed active participation by the common people in the government of a tributary land, and there had to be far-reaching cooperation between the people and the king's men. This cooperation was necessary if the king was to obtain his revenue, and if the inhabitants were to enjoy the benefits the kingdom gave.[117] The establishment of kingship in Iceland had the effect that, in principle, the common people had a greater say in matters that had previously been dominated by the chieftains. Moreover, it was the common people assembled at the lawhing, not the king's men, who represented Iceland *vis-à-vis* the king. The people adopted and ratified the king's and the Icelanders' mutual rights and obligations when a new king ascended the throne, and they gave their consent to new laws.[118]

In the period from 1270 to 1319, with few exceptions, the Alþingi met annually, with representation from all judicial districts and quarters.[119] In the case of Iceland we see clearly that there was strong con-

[115] *Lsb*, ch. 17.

[116] Both Eindride Boggul and Olav Ragnreidsson travelled with Icelandic liegemen: with Nikulás Oddsson (hirdman) and Sighvatr Hálfdanarson (knight), respectively.

[117] See e.g. *ML*, "Fortale"; Imsen 1990, pp. 28–39.

[118] The king's men could not represent the country *vis-à-vis* the crown in the same way as the common people. In this respect, there is a clear distinction between those who were king's men and those who were not.

[119] *Asb*, ch. 18 (1271), 32 (1275), 42 (1276), 62–63 (1281), 83–84 (1284), 103–108 (1286), 120 (1287); *DI* II 158 (1295); *IA*, pp. 340, 53 (1306); *DI* IV 6 (1308), VII 3 (1310); *IA*, pp. 204, 344, 393 (1315); *Lsb*, ch. 32 (1319). The exception seems to be 1304, where there are notices in the annals about Northerners and Westerners not attending the Alþingi, and stating that district assemblies were resumed in the two quarters, two assemblies in each (*IA*, pp. 52, 148, 389). Orig.: "alþingi ecki vpi haft af þeim luta landz" and "var þing vppi j svmvm stodum æ Islandi" (*IA*, pp. 486, 340 (1304)). This notice has led historians to assume that fewer people visited the lawthing in Iceland. Apart from these notices, however, there is nothing to suggest any lasting weakening of the lawthing system in Iceland, nor did this happen later in the fourteenth century. These notices have been regarded as confirmation that the Icelanders

tinuity going back to the old General Assembly. This was still the chief political arena in the country, functioning as the most important meeting place for the parties throughout the conflict over church property. The Alþingi was a place where the most powerful men in the country, the king's officials and the bishops, could negotiate and where judgements were pronounced between the clergy and the laity. It was also where the king's messages were announced.[120]

King Magnus Håkonsson envisaged cooperation between the common people, the king's men, and the king in the legislation. In connection with the adoption of *Jónsbók* we see how this cooperation really functioned. The Icelanders had had plenty of time to acquaint themselves with the content of the law code before the meeting in 1281, and both the common people and Bishop Árni expressed their discontent with the book. At the Alþingi they divided into different groups: the farmers, the king's men, and the clergy headed by Bishop Árni. The farmers voiced their objections to the law code and suggested alternative provisions. But even though this did not yield results with the king's emissary, we see that the farmers took an active part in the discussion, on equal terms with the king's men and Bishop Árni and the other clerics. It was the common people at the Alþingi who sanctioned the law code. The crown later took most of the objections into account, and with Icelandic lawmen as advisers, amendments were drawn up to compensate for the defects in *Jónsbók*.[121]

The farmers themselves also took the initiative for new statutory provisions. Demands for new laws or supplements to existing laws tended to come from them. In such cases they cooperated with the local representatives of the crown, who could present the demands to the king or be commissioned by the king to investigate the matter in greater depth.[122] The cooperation between the king's men and the common people also extended to letters of complaint to the king. Around 1305 the sheriff of Skagafjörður, Sveinn langr Þórisson, presented complaints about the bishop of Hólar to the king on behalf of the paupers in the sheriffdom. In the king's reply the sheriff and the

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had a negative attitude to the crown, the king's officials, and not least of all to the king's tax demands (Björn Þorsteinsson and Sigurður Líndal 1978, pp. 73–74).

[120] See also Björn Þorsteinsson and Sigurður Líndal 1978, p. 62 about the transition from general assembly to lawthing.

[121] *Asb*, ch. 62–65.

[122] Cf. ch. 3.

liegemen were commanded to take up the matter with the bishop.[123] In this case, then, the sheriff functioned as the link between the inhabitants of his district and the king. In the next chapter we shall see more examples of the king's men being involved in the Icelanders' conflicts with the local bishops.

We can also follow the Alþingi and its law court as a court of justice in this period. It has been claimed that the Icelanders may have preferred the lawthing to the panels or tribunals appointed by the sheriff on account of the sheriffs' self-interest in several of the cases. However, there is nothing in the sources to substantiate this claim.[124] We saw, moreover, in connection with Shetland that the sheriffs could promote their own interests at the lawthing.

The participation of the common people was necessary if the lawthing was to function, but in Iceland's case we also see how the support of the people was necessary for the king's men to have their way in the conflict over church property. In 1286 Hrafn Oddsson asked all the liegemen to assemble at the Alþingi to support the laymen in the conflict. Hrafn also requested the support of the common people at the assembly and worked actively to obtain it.[125] The king's men and the common people seem to have been dependent on each other. Yet even if Hrafn and the other sheriffs were among those who selected representatives to both the Alþingi and its law court there was no guarantee that the people's representatives would be compliant in every case.

The lawthing was the place to show resistance to the king's demands and to make counter-demands. That the farmers could obstruct the king's policies and spoil the plans of the king's men is obvious in the fourteenth century when King Håkon V's demand for new taxes encountered protest in Iceland. Tax collection took place at fixed times at the local assemblies, and this time there was trouble. Alf Bassesson, as we have seen, was attacked at a local assembly, and the issue of higher taxes ended up at the Alþingi. Here both the lawmen and a sheriff versed in the law stated their opinion on the matter, and the farmers refused to accede to the demands.[126]

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[123] *DI* II 183; *IA*, pp. 387–88.

[124] In 1308 both the lawmen and the lawrightmen at the Alþingi passed judgement and reached agreement about outlaws and letters of protection (*DI* IV 6). See also Björn Þorsteinsson and Sigurður Líndal 1978, pp. 64–65.

[125] *Asb*, ch. 103–108.

[126] On tax collecting, see e.g. *Jb*, pp. 97–98.

In Norway there were usually economic grounds for opposition to the king's policies. Refusal to pay tax and collective opposition at the local assembly was the most common reaction, but in some cases conflicts between the king's men and the people could lead to violent clashes if the sheriff tried to demand more tax than the commoners thought the king was entitled to. Such conflicts tended to have the result that the common people wrote a letter of complaint to the king and in some cases that the crown responded by sending out a commission to investigate the matter or pronounce a judgement. In most cases where matters had a serious outcome, it seems to have been the leading men in the district who were the main actors.[127]

We do not know who exerted the hardest pressure against the king's demands in 1305, but the glimpses we have of the local public sphere and the common people in this period suggest that in Iceland too it was the local elite who were most active. Of the eight lawthing representatives named in Árna saga biskups who refused to accept *Jónsbók* in 1282, two were kinsmen to Bishop Árni. One of the two was also a councillor of the bishopric of Skálholt. Moreover, the councillor was married to the niece of the sheriff Ásgrímr Þorsteinsson, and later became King Eirik's liegeman.[128]

From earlier studies of the local public sphere in Norway, Jemtland, Orkney, and Shetland we know that the crown, from the reign of Magnus Håkonsson, actively worked to strengthen local public institutions such as the local assemblies and tribunals. The king's men functioned to varying degrees within, and in cooperation with, these institutions.[129]

In Iceland the old local, judicial districts were retained.[130] District assemblies (*heraðsþing*), however, replaced the older Icelandic spring assemblies. These were large assemblies or gatherings within set distinct boundaries that were summoned as needed.[131] In 1287, for example, Hrafn Oddsson had the Alþingi's law court proclaim that all of

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[127] Imsen 1990, p. 119.

[128] Arngrímr Teitsson, Snorri of Ásar, Ormr of Reynir, Alleifr Klængsson, Eilífr, son of Usur from Horn, Sigfúss stobbi, Magnús Pétrsson, and Loftr Helgason. All had close ties to Bishop Árni. Magnús was the bishop's brother-in-law and Loftr Helgason was the bishop's nephew (*Asb*, ch. 58, 63, 71; *Sts* II, 8th gen. Ámundaætt).

[129] See Imsen 1990, pp. 28–38, 88–89; Dørum 2004, pp. 311–12, 340–47, 363.

[130] Björn Þorsteinsson 1956, pp. 65–67, 71–72,

[131] *Jb*, pp. 156, 186–89, 192. See Sølvi Sogner, "Herredsting", *KLNM* VI, 1961, cols. 503–504 and Björn Þorsteinsson and Sigurður Líndal 1978, pp. 73–80.

Bishop Árni's men who occupied church offices and church property were outlawed. The names of the outlaws would later be proclaimed at the district assemblies.[132]

The old organization of the *hreppr*—an administrative district on the lowest level, corresponding to a 'commune' or community—was maintained after the establishment of the king's administrative apparatus, albeit in a simplified version in *Jónsbók*. The districts were geographically defined and regulated by law, each comprising a group of farmers who dealt with matters of common concern such as poor relief and gathering sheep. In the twelfth century each district had acquired its own governors, the *hreppstjórar*, as permanent representatives. Their duties included prosecuting breaches of the regulations on poor relief to the assemblies that each *hreppr* held. According to *Gamli Sáttmáli* from 1262, the *hreppstjórar* were to be the central figures in the collection of taxes for delivery to the king's official. This task was probably taken over by the sheriffs and their agents from the 1270s onwards. The main revenue of the *hreppr* was one quarter of the tithe, corresponding to the farmer's share of the tithe in Norway.[133]

Jónsbók proved to be insufficient when it came to matters concerning the *hreppr*, and the deficiencies in the law code were rectified by amendments from 1294 and 1305 on the Icelanders' initiative. Among other things, a separate *hreppr* assembly or *hreppstjórarþing* was set up for the *hreppstjórar*. The sheriff also had to attend these assemblies, so that even if the law in large measure left it to the inhabitants of the *hreppr* to govern themselves, the king's men were nevertheless required to participate in the local public sphere, even at the lowest level. Although we have no examples of this cooperation before the latter part of the Late Middle Ages, it would seem as if the sheriffs left certain local judicial and law enforcement tasks to the *hreppstjórar* from the 1270s onwards.[134] However, the *hreppstjórar* of the latter part of the Late Middle Ages corresponds to the *bondelensmann* or 'farmer's agent' who assisted the bailiff of the fiefholder in Norway.

Studies from Norway indicate that sheriffs only participated to a small extent in local public life, and that it was their agents, and repre-

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[132] *Asb*, ch. 120. In 1288 a priest submitted his case to Hrafn's judgement. Priests were otherwise supposed to be judged by men of the church (*Asb*, ch. 124).

[133] Magnús Már Lárusson, "Hreppr", *KLNM* VII, 1962, cols. 17–22; Björn Þorsteinsson and Sigurður Líndal 1978, pp. 72–73. *DI* I 152 A, § 1.

[134] Björn Þorsteinsson and Sigurður Líndal 1978, ibid.

sentatives of the local elite from which the agents were recruited, that dominated the local public sphere.[135] In Norway the agents had a central position as the long arm of the sheriffs in the local public sphere, but in Iceland the sheriffs' agents are scarcely visible in the sources. Examples from the tributary lands, on the other hand, show that the sheriffs were active in the day-to-day running of their districts. Did the king's men take part in local matters that did not directly concern the king's interests too?

Although the source material is relatively thin, it is sufficient to allow us to state that the king's men in Iceland also took part in the local public sphere by virtue of their status in the local community and their own interests. In the conflict over church property, several of the king's men were active on their own behalf or on behalf of their kinsmen. Ásgrímr Þorsteinsson was one of those who pronounced a verdict in a dispute between the monastery of Viðey and a farmer concerning flotsam.[136] The sheriffs, moreover, could represent the common people *vis-à-vis* the king and put forward their complaints. The king's officials were also dependent on local expertise when they performed their duties, for example, in cases about flotsam or property boundaries.[137]

Earlier research shows that the lawman was in a special position as a king's man in Norway. He represented both the king and the people, and he was the official who was present more than any other in the local public sphere.[138] In Iceland the lawman Bård Høgnesson and the sheriff Sturla Jónsson affirmed that they had heard testimony in a property case at the Þornes assembly in 1302.[139] Bård was one of the four Norwegian-born officials who had come to Iceland in 1301. The letter shows that cooperation between Icelanders and Norwegians among the king's men could work well.

There was interaction between the commoners and the king's men in Iceland, both in the government of tributary land and in local public life. The common people played an active part at the lawthing, and

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[135] Imsen 1990, p. 88; Dørum 2004, pp. 311–12, 340–47, 363.
[136] *DI* II 118 [1284].
[137] *DI* II 194 [1307].
[138] Imsen, ibid.; Dørum 2004, pp. 335, 363.
[139] *DI* II 174 [1302]. Sturla Jónsson travelled frequently between Iceland and Norway around 1300. Moreover, he was a knight from 1298/99 and Hrafn Oddsson's grandson (*Sts* II, 23. ættskrá, Rauðsendir og Sandamenn and 19. Sturlungar b). Sturla died in 1304 (*IA*, e.g. pp. 145, 147, 199).

the king's men were not in a position to implement the king's policies without their consent. But in the case of Iceland we also see clearly that, even if the official did not have as much power as the chieftains had once enjoyed, Hrafn Oddsson was able to dominate the government of Iceland and the local public sphere completely during several decades in royal service. We must therefore be cautious about overestimating the influence of the common people in the government of tributary lands, and bear in mind how much power the sheriff and the king's men had.

When it comes to the government of Iceland and the role of the king's men, there is also a third aspect of the government of tributary lands that we must examine more closely: who were the king's men in Iceland and what social ties did they have to the society they were appointed to govern? Was there really a noticeable dividing line between those who were king's men and those who were not, as earlier research may suggest?

The king's men in Iceland

As we have seen there seems to have been a separate division of the hird in Iceland, with its own governor, at the end of the thirteenth century. In 1300 the royal hird consisted of roughly 300 men. Jón Viðar Sigurðsson estimates that around five per cent of them were Icelanders.[140] My studies corroborate that Icelanders were well represented among the knights from 1277 to 1319, but not among the ordinary hirdmen (*hirðmenn*).

The ordinary hirdmen were mainly younger members of the aristocracy waiting to reach the dignity of knight, or men who were in regular hird service but had no office or lacked the social background

[140] Benedictow 1971, p. 12; Benedictow 1972, p. 283; Jón Viðar Sigurðsson 1995, p. 158. Jón Viðar Sigurðsson's figure assumes that there were fifteen royal officials in Iceland at any time (twelve sheriffs, two lawmen, and one governor). The governor, however, was a sheriff himself, and we have already seen that it was not the number of assembly districts (twelve), but of quarters, that served as basis for the division into sheriffdoms in this period. Jón Viðar Sigurðsson identifies the same lords as I do, but he also has a list of "aristocrats not described as lords". The list does not agree with my studies: Gizurr Þorvaldsson was a *skutilsveinn*, thus of a rank equal to a knight. Loftr Hálfdanarson was a knight (*IA*, pp. 150, 265 (1312)); Guðmundr Sigurðarson was dubbed in 1316 (see ch. 6), and Snorri Ketilsson had the title of *herra* in 1347 (*IA*, p. 353).

required to rise to the class of the *hirðstjórar*. We know few hirdmen by name from Iceland from 1270 to 1319.[141]

As regards Icelanders and knighthood little changed from 1277 to 1319. In this period it was only in exceptional cases that we find a sheriff who was not a knight. The lawmen, who were not initially organized in the hird as the sheriffs were, usually bore the title *herra* too, but here we can show a distinct decline up to 1319.[142] In 1316 King Håkon V dubbed 25 men as knights. Among them were the Icelanders Eiríkr Sveinbjarnarson, a sheriff in 1323, and the lawmen Guðmundr Sigurðarson and Grímr Þorsteinsson.[143] In addition to the local officials, the king's emissaries tended to be knights as well.[144] There are also several Icelandic knights who cannot be directly linked to any offices or assignments on behalf of the king.[145]

From Norway we know that the office of sheriff was in practice reserved for members of the kingdom's secular aristocracy and consequently men from the upper stratum of the hird: *lendir menn* and *skutilsveinar* before 1277, barons and knights afterwards. It would therefore appear that office and family background were the most important reasons for Icelanders receiving the title of knight. It is

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[141] Nikulás Oddsson, the king's emissary in 1277, was a hirdman. A hirdman named Snorri was a witness along with several Icelanders in Norway in 1294 (*DI* II 153). It was probably Snorri Ingimundarson who later became knight and sheriff (*d.* 1332, *Asb*, ch. 138). Gizurr galli Bjarnarson, who collected the king's tax in Finnmark in 1311, became a hirdman in 1309 (*IA*, p. 391). An Icelandic hirdman is said to have been injured in King Håkon V's service in 1317 (*IA*, p. 394) and a Þórir þinghottr fell in the battles against Duke Erik of Sweden (*IA*, p. 342 (1310)).

[142] 1270–1319 *Sheriffs with the title of* herra (uncertain ones in parentheses): Hrafn Oddsson, Þorvarðr Þórarinsson, Ásgrímr Þorsteinsson, Eyjólfr Ásgrímsson, Erlendr Óláfsson, Peter Gudleiksson, Sveinn langr Þórisson, Snorri Ingimundarson, Þórðr Hallsson, (Kolbeinn Bjarnason), Sturla Jónsson, Haukr Erlendsson, Alf Bassesson, Ívarr holmr Jónsson, Ketill Þorláksson. *Sheriffs without the title of* herra*:* Gudmund Skallstikle. *Lawmen with the title of* herra: Sturla Þórðarson, Jón Einarsson, Grímr Þorsteinsson, Guðmundr Sigurðarson, Þorlákr Narfason, Bård Høgnesson, Lodin of Bakke, Snorri Narfason. *Lawmen without the title of* herra*:* Sigurðr Guðmundarson, Þorleifr Ketilsson, Þórðr Narfason, Erlendr Hauksson, Guttormr Bjarnason, Snorri Magnússon.

[143] Cf. ch. 6.

[144] *Norwegians:* Lodin Lepp was a knight and standard-bearer and Olav Ragnreidsson was the last registered marshal in the kingdom (Helle 1972, p. 592). *Icelanders:* Sighvatr Hálfdanarson in 1288 (*IA*, p. 70, 384; *Asb*, ch. 126–27). Kristófórus Vilhjálmsson came to Iceland with messages or letters from the king in 1288 and 1292 (*IA*, p. 338, 143; *Lsb*, ch. 4).

[145] Oddr Þorvarðrsson (*d.* 1301, *DI* II 173, 46). Sturla Hrafnsson, Loftr Hálfdanarson (*d.* 1317, *Asb*, ch. 104, 148).

likely that officials or former officials are also concealed among the knights who cannot be linked to offices in the sources. They may also have been in service in Norway. The large number of knights confirms that rank and office were closely associated with each other in Iceland as in Norway, and that we still cannot demonstrate any great exclusivity in connection with the dignity of knight within the realm. It was not reserved solely for members of the Norwegian aristocracy.

When it comes to family background and rank there are also similarities between Norway and Iceland. All Icelandic knights without office and all ordinary hirdmen in Iceland can be linked to the king's officials and other knights through kinship and marriage.[146] Hrafn Oddsson and Þorvarðr Þórarinsson's sons bore *herra* titles although we cannot link them to office or royal service. They probably had the dignity of knight because the trend had been that belonging to the hird and enjoying rank were virtually hereditary in Iceland too.[147] We are therefore already able to demonstrate a tendency for hird membership, rank, and office to be confined to a specific stratum of the population in Iceland.

As members of the hird's most prominent class, Icelandic officials had direct links with the Norwegian aristocracy, central royal officials, and the king's court. Icelandic hirdmen and knights residing in Norway belonged to the circle of "good men" who were often used as witnesses and sureties by the king and central royal officials. Furthermore, the officials in Iceland had contact with and made use of central royal officials in Norway. Þorvarðr Þórarinsson stayed with the hird in Norway for most of the 1280s, among other things in the company of Lodin Lepp. Hrafn Oddsson got Audun Hugleiksson, a baron and one of King Eirik Magnusson's prime advisers, to ensure that Bishop Árni was forbidden to leave Norway in 1289. The knight Oddr Þorvarðrsson had connections with Peter Gudleiksson in Norway around 1300. Peter had previously been a sheriff in Iceland, and he was a close friend of

[146] Kristófórus Vilhjálmsson was from Oddi and a kinsman of Sighvatr and Loftr Hálfdanarsons. Sighvatr and Loftr were brothers-in-law of Þorvarðr Þórarinsson (*Sts* II, 3th gen. Oddaverjar a). Nikulás Oddsson was married to Snorri Sturluson's niece and their daughter was married to the knight and lawman Þorlákr Narfason. Nikulás was thus uncle of the governor Ketill Þorlákssson (*Sts* II, 6th gen. Vallverjar and Flóamenn and 18th gen. Sturlungar a; *ÍÁ*, I Oddaverjar).

[147] Oddr Þorvarðson, Sturla Hrafnsson, and Sturla Jónsson. The two Sturlas were Hrafn Oddsson's son and grandson.

King Eirik.[148] There were also private links between the king's men in Iceland and Norway. The father of the lawman Erlendr Óláfsson was probably Norwegian, as was probably the father of the sheriff Sveinn langr Þórisson.[149]

Snorri Sturluson had been a *lendr maðr* and Gizurr Þorvaldsson an earl. Yet even though Icelanders were recruited to the upper stratum of the hird after 1270, they were not considered for the highest dignity in the hird: with few exceptions, the rank of *lendr maðr*/baron was reserved for members of the Norwegian high aristocracy. None of the king's men in the tributary lands were *lendir menn*—not even Torvald Toresson from Shetland, who had married into the Norwegian high aristocracy. Hrafn Oddsson, however, in his capacity as standard-bearer, enjoyed the same rights as barons from 1279.

Office, hird membership, and rank gave Icelanders the opportunity to pursue a career in the king's service in Norway. Haukr Erlendsson began as a lawman in Iceland in 1294, but quickly went to Norway, where he started his career as a lawman in Oslo and continued in Bergen. Haukr reached all the way to the top in the king's service and is mentioned among the councillors in 1319. Þorvarðr Þórarinsson spent a long time at court in the 1280s and was probably in royal service in Norway. And as we have seen, not only Haukr but other Icelandic-born liegemen were sent to Iceland as emissaries on assignments for the king.

The fact that the number of ordinary hirdmen in Iceland fell from the end of the thirteenth century can be interpreted as a sign of a reorganization of the hird, as also happened in Norway.[150] We nevertheless find so many king's men of high rank that it cannot be proved that the institution of the hird was being wound down in Iceland before 1319. However, the changes would also have long-term consequences for the king's men in the country. That is something we shall examine in the next chapter.

The place of birth of royal officials is often considered as a factor when outside rule is studied.[151] In Icelandic historical research,

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[148] *Asb*, ch. 94 (Þorvarðr), 136 (Hrafn and Audun); *DI* II 152 (1292), III 153, 154 (1294) (Icelandic king's men are witnesses in Norway); *DI* II 173 (Oddr).

[149] *Sts* II, 6th gen. Vallverjar and Flóamenn; *ÍÁ*, pp. 236–41, Björn Þorsteinsson 1956, p. 21 (Erlendr); Jón Jóhannesson 1958, p. 244 (Sveinn).

[150] Benedictow 1972, pp. 269–72.

[151] See e.g. Davies 1987, pp. 366, 380; Given 1990, ch. 6.

the king's men in Iceland have been treated in a way that is heavily influenced by national value judgements, fully parallel to the way Norwegian historians have studied the king's administrative apparatus in Norway during the so-called Danish Era from 1537 to 1814.[152]

The starting point for any conclusion about the "nationality" of the king's officials in Iceland has been the condition concerning the birthplace of sheriffs and lawmen and family background in connection with the acclamation of King Håkon V Magnusson in 1302.[153] The condition was that Icelanders from the families who had had to give up their chieftaincies should become sheriffs and lawmen. The prevailing view is that this demand was made because King Håkon V had sent four Norwegians as officials to Iceland in 1301.[154] And since the king had chosen to establish a Norwegian administrative apparatus in Iceland, we should expect that the Icelandic sheriffdoms would be given to Norwegians.

The first Norwegian lawman came to Iceland as early as 1279, and the first Norwegian sheriffs followed in 1293 and 1296.[155] The Norwegians did not stay long, and they do not seem to have provoked any opposition in the country. In 1301, however, three Norwegian officials came to Iceland simultaneously, two lawmen and one sheriff. They were accompanied by Sveinn langr Þórisson, a sheriff, who probably had a mixed Norwegian-Icelandic background. He has been categorized as a

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[152] Björn Þorsteinsson's focus on the Icelandic chieftains' betrayal in connection with the establishment of the king's power, and the common people's alleged resistance to foreign officials, places him in the same category as some Norwegian historians and their explanation of the loss of independence and the union with Norway. Björn Þorsteinsson makes a distinction between Icelanders and Norwegians, and between Icelanders who entered the service of the Norwegian king and those who did not. He questions the "Icelandicness" of the sheriff and lawman Erlendr Óláfsson because his father was probably Norwegian, whereas he calls Botolf Andresson, Norwegian and governor from 1341–1343, "half-Icelandic", and his posterity "wholly Icelandic", because Botolf married Hrafn Oddsson's great-granddaughter and his descendants remained in Iceland (Björn Þorsteinsson 1956, pp. 21, 171; Björn Þorsteinsson and Sigurður Líndal 1978, pp. 82–83). See Helgi Þorláksson 1988 on Björn Þorsteinsson.

[153] *NgL* I 12 A; *DI* I 153 B.

[154] Ólsen 1908, pp. 76–79; Björn Þorsteinsson 1956, pp. 121–23; Björn Þorsteinsson and Sigurður Líndal 1978, pp. 82–86.

[155] Lodin of Bakke was lawman but soon returned to Norway (*IA*, pp. 195, 484; *Lsb*, ch. 3). Peter Gudleiksson of Eide had a sheriffdom in the north-west in 1293, whereas Gudmund Skallstikle had a sheriffdom in the north in 1296 (*Lsb*, ch. 9; *IA*, pp. 71, 261, 385, 484).

Norwegian by some Icelandic historians.[156] Icelandic historians think that King Håkon wanted to replace Icelanders with Norwegians, partly because it was easier to punish unreliable Norwegians than Icelanders, for example, by seizing their property in Norway. According to these historians, the use of Norwegians to fill the offices was provocative to the natives, and the three Norwegians seem to have been quickly replaced by Icelanders.[157] But as we shall see, this is not necessarily the case.

It is perfectly possible that King Håkon V wanted to use Norwegians as officials in Iceland, but the kings did not lack the means to punish disloyal Icelandic officials and liegemen in Iceland. Snorri Sturluson's fate and the treatment of Órækja Snorrason and Þorleifr Þórðarson in the 1240s and 1250s are good examples of the ability of the Norwegian king to punish Icelanders even before he had established lordship over the country.[158] Moreover, in 1301, most sheriffs and lawmen in Iceland were knights. They would have broken their oaths of personal loyalty if they betrayed the king. We have seen how seriously the sheriff of Shetland took the accusations that he had betrayed Duke Håkon. The lawman was supposed to supervise the behaviour of the sheriffs; in addition, the king had a superior royal official in Iceland to supervise their conduct.

The king thus had the ability to control and punish officials even if they were Icelanders and did not have landed property in Norway. It is also highly probable, as we have seen, that there were more than two sheriffs in Iceland in 1301.[159] One of the Norwegians and Sveinn, the "half-Norwegian", remained in the king's service in Iceland until about 1310, although not necessarily as officials. Moreover, Sveinn married an Icelander, as did the sheriff Ívarr holmr Jónsson (*c.* 1307–1312),

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[156] The three were Bård Høgnesson and Lodin of Bakke (lawmen) and Alf Bassesson of Kroken (sheriff) (*IA*, pp. 146, 199, 387–388; *Lsb*, ch. 17). Bård had come to Iceland with a message from the king in 1295 (*IA*, pp. 198, 385). See Jón Jóhannesson 1958, p. 244 about Sveinn.

[157] See Björn M. Ólsen 1908, pp. 76–80; Björn Þorsteinsson 1956, pp. 121–24; Björn Þorsteinsson and Sigurður Líndal 1978, pp. 82–84.

[158] *HsH*, ch. 244 (Órækja); *Þsk*, ch. 13 (Þorleifr). Cf. ch. 2.

[159] Alf and Sveinn had sheriffdoms in the north and east, while there were probably other sheriffs in the south and west. Erlendr Óláfsson, Þórðr Hallsson, Sturla Jónsson, and others could all have had sheriffdoms at the same time as the Norwegians. Sturla was at any rate sheriff around 1302, when he was present at a local court together with Bård the lawman (*DI* II 174).

who may have been a Norwegian.[160] Nor is there any evidence of opposition directed explicitly against Norwegians. The Icelanders protested against the king's tax demands in 1305, not against the nationality of the officials. Besides, it was not the common people who were behind the demand in 1302. To understand the background to the protest we must be clear about who stood to lose if Norwegians were given offices in Iceland.

Icelandic historians have generally regarded the 1302 demands exclusively in an Icelandic context and as a specifically Icelandic demand to the king. But in Norway too there were several non-Norwegians in the king's service. In the 1250s Þórðr Sighvatsson and Gizurr Þorvaldsson were sheriffs and Þorgils Bǫðvarsson was a hird governor in Trondheim. Haukr Erlendsson pursued a career as a lawman in Oslo and Bergen early in the fourteenth century, while Gizurr galli Bjarnarson collected tax for the king in Finnmark. Moreover, Icelanders were dispatched as emissaries, although only to Iceland. The Icelandic emissaries in the 1250s, 1270s, and 1280s usually travelled along with a Norwegian, and it seems as if the central government showed special consideration in this, without it appearing to have made the tax collecting any easier, either for the emissaries or for the Icelanders.[161] Eirik Duggalsson, a king's son from the Hebrides, also served the king at this time.[162]

It does not seem, however, that the inhabitants of the tributary lands were perceived as foreigners in the same sense as men who came from other countries. For example, we find several Danish councillors in the Norwegian king's service from 1287. In 1289 Torvald Toresson travelled as an emissary of King Eirik Magnusson to King Edward I of England, accompanied by the former Swedish chancellor, Peter Algotsson. The Swedish king's son Erik Valdemarsson also served the Norwegian king.[163] Weland and Henry de Stiklaw were originally from

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[160] Sveinn is named for the last time in 1310 (*IA*, p. 392; Jón Jóhannesson 1958, p. 244), and Bård came to Iceland for the last time in 1310 and died the following year (*IA*, pp. 488, 203, 342). He may then have been an emissary. See *Íslenzkar æviskrár. Frá landnámstímum til ársloka 1940* (*ÍÆ*) II, ed. Páll Eggert Ólason, Reykjavik 1949, p. 406 and *Sts* II, 7th gen. Haukdælir, about Ívarr.

[161] In 1277 the Icelander Nikulás Oddsson was collecting the king's regular revenue in a harsher way than the Icelanders were used to (*Asb*, ch. 45).

[162] Helle 1972, p. 582.

[163] *DN* XIX 328. The Danish councillors became liegemen of the Norwegian king after having been banished from Denmark, while Erik Valdemarsson was the son of the banished Swedish king Valdemar Birgersson and came to Norway with Håkon V in 1302 (Helle 1972, pp. 340–41, 586).

Scotland or England, and were in the king's service as diplomats around 1300. Weland even became a baron.[164] In Sweden and Denmark there were even more foreigners in royal service. The birthplace of officials was thus a topic of interest in the three Scandinavian kingdoms early in the fourteenth century.[165]

The demand from the Icelanders was not unique, but rather a sign of the times. The provision of nationality therefore cannot be used to argue that there was any general opposition to the king and Norwegian officials among the common people of Iceland. It tells us primarily about the background of the men who had dominated the administrative apparatus so far, and the position they expected to have in the country in the future.[166] Besides, thirty-one years were to pass from the death of Bård Høgnesson until a new Norwegian was appointed to an office in Iceland. Despite the change to a new form of government, it was Icelanders who dominated the king's administrative apparatus from 1270 to 1319. We have already seen what Hrafn Oddsson and Þorvarðr Þórarinsson gained from royal service. The demand in 1302 was intended to ensure that the descendants of the chieftains would have the right to the prestige, power, and revenue that royal office gave.

The chieftain aristocracy did not disappear with the chieftaincies. Although the chieftains had transferred their chieftaincies to the king and most chieftain families had been hard hit by the internal struggle, the chieftains' descendants continued to dominate Iceland both economically and politically. Several of the first officials had been chieftains themselves, and with few exceptions, all the Icelandic king's men—officials, knights, and hirdmen—before 1319 can be linked to the old chieftain families through either kinship or marriage or both.[167]

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[164] Crawford 1973; Crawford 1990.

[165] See e.g. *NgL* III 14; *DN* I 156; Jerker Rosén, *Tiden före 1718*, Svensk historia I, Stockholm 1962, pp. 173–74; Bjørgo 1995, p. 94; Andreas Bøgh, "Kongen og hans makt", in Per Ingesmann *et al.* (eds.), *Medieval Denmark*, Copenhagen 1999, p. 76.

[166] Cf. Jón Viðar Sigurðsson 1995, p. 160.

[167] Hrafn Oddsson, Sturla Hrafnsson, and Sturla Jónsson (*Sts* II, 23th gen. Rauðsendir and Sandamenn and 19th gen. Sturlungar b); Þorvarðr Þórarinsson and Oddr Þorvarðson (*Sts* II, 46th gen. Svínfellingar and 3th gen. Oddaverjar a); Ásgrímr Þorsteinsson and Eyjólfr Ásgrímsson (*Sts* II, 41th gen. Grundarmenn and 33th gen. Hvammverjar í Vatnsdal); Sturla Þórðarson (*Sts* II, 19th gen. Sturlungar b); Erlendr Óláfsson and Haukr Erlendsson (*Sts* II, 6th gen. Vallverjar and Flóamenn); Þórðr Hallsson (*Sts* II, 38th gen. Möðruvellingar yngri and 8th gen. Ámundaætt); Loftr Hálfdanarson, Sighvatr Hálfdanarson, Kristófórus Vilhjálmsson (*Sts* II, 3th gen. Oddaverjar a); Nikulás Oddsson (*Sts* II, 6th gen. Vallverjar and Flóamenn and 18th gen. Sturlungar a; *ÍÁ*, I Oddaverjar); Þorlákr Narfason, Þórðr Narfason, Snorri

The Icelandic social elite was small, and very many of the king's men were therefore related to each other.

A decade or two after the king's administrative apparatus was established, there was already a hereditary element in the granting of offices in the sense that several officials came from the same families.[168] Ásgrímr Þorsteinsson's son was given the sheriffdom after his father in 1285. Erlendr Óláfsson was a knight, sheriff, lawman, and possibly governor at the end of the fourteenth century. His son Haukr also became a knight, lawman, and sheriff. Three Narfasons—Þorlákr, Þórðr, and Snorri—were lawmen in periods from 1290 to 1329. Þorlákr's son Ketill was presumably governor from 1314.[169] Guðmundr Sigurðarson, a lawman from 1302 and a knight from 1316, was the son of a former lawman and himself a father of a lawman.[170] Knowledge of the law must have been an important criterion for becoming a lawman, and the knowledge seems to have been passed on by inheritance in some families. Family members were thus strong candidates when new lawmen were to be appointed.[171]

The chieftains' descendants and those who became family members by marriage had a virtual monopoly on posts as sheriffs and lawmen all through this period, and for the period viewed as a whole it is not possible to show that the monopoly of the old Icelandic chieftain aristocracy was threatened at any time. The socio-political development thus does not corroborate the thesis of a radical change at the transition from rule by chieftains to royal lordship in Iceland. Instead, there

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Narfason, Ketill Þorláksson (*Sts* II, 20th gen. Skarðverjar; *ÍÁ*, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir); Ívarr holmr Jónsson (*Sts* II, 7th gen. Haukdælir; *ÍÁ*, I Oddaverjar); Snorri Ingimundarson (Hítdælir, cf. Jón Jóhannesson 1958, p. 233).

[168] Many conclusions about family ties and in the case of Iceland, 'nationality', are uncertain because in some cases we have nothing to go on but the naming tradition and indications. For Iceland I have used the family trees in *Sts* II as a basis. In addition I use information about genealogy from the following works, *Íslenzkar æviskrár* (*ÍÆ*) I–V, ed. Páll Eggert Ólason, Reykjavík 1948–52; Einar Bjarnason, *Íslenzkir ættstuðlar*, Reykjavík 1969; Jón Jóhannesson, *Íslendinga saga I–II*, Reykjavík 1956 and 1958; Jón Þorkelsson (ed.), *Íslenzkar ártíðaskrár eða Obituaria Islandica* (*ÍÁ*), Kaupmannahöfn 1893–96, and my own observations. Neither the literature nor my own observations can be regarded as absolutely certain.

[169] *Sts* II, 20th gen. Skarðverjar, *ÍÁ*, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir. It also seems as if Ketill's father-in-law, Guttormr Bjarnason, was a lawman (*IA*, p. 149 (1307)). Ketill's brother-in-law, Jón Guttormsson, was one of the leasehold governors in 1358 (*ÍÁ*, p. 167, cf. ch. 8).

[170] *ÍÆ* II, p. 179 and IV, p. 221.

[171] Cf. ch. 6.

was a direct link between the old chieftain aristocracy and the hird, knighthood, and offices in Iceland.

The Icelandic chieftains and their successors maintained their local power position after royal lordship was established: the chieftain aristocracy was transformed into an aristocracy of service, with a near monopoly, in practice, on royal offices in the country.[172] The Icelandic magnates probably had a good knowledge of the role of the aristocracy in Norway, and they were no doubt fully aware of how they could maintain their power at home. In addition, it is doubtful whether the crown could have bypassed a man like Hrafn Oddsson without provoking any reactions. And by letting the local magnates keep their positions, the king ensured that the adjustment to monarchy took place with the least possible opposition. This order satisfied both the king and the local magnates.

Although we do not have the same possibility to investigate the socio-political situation in the other tributary lands, the situation in Shetland around 1300 suggests that there was a clear link there too between social background and office, and between the local elite and royal service. We shall soon see that there is no reason to believe that it was any different in Orkney, where the local public sphere had a distinctly aristocratic character all through the Middle Ages.

Conclusion

Government of the tributary lands in this period had the character of cooperation between the king's men, the common people, and the central power. But although the common people seem to have acquired a stronger position after the establishment of the kingdom, the king's men had a firm hold of the helm. The officials managed the king's interests with the assistance of the local liegemen and emissaries from the central power. The administrative apparatus functioned as in Norway.

However, by the 1270s the administrative apparatus in Iceland was already different from that of the original tributary lands. Since Iceland was the same size as a Norwegian province or county, it had to have a different structure from the other tributary lands. There was

[172] Cf. Jón Viðar Sigurðsson 1995, pp. 156–62.

therefore a separate division of the royal hird in the country, with its own leader from 1279. The administrative apparatus was thus adapted to local needs.

At local level most of the work of government was left to the inhabitants themselves, but in Iceland's case we see that the king's men took part at this level too, where they also had a personal foundation. It is in this sphere that we find the greatest difference between the king's men in the tributary lands and in Norway. In Iceland, and presumably in Shetland, the country's own aristocrats in their capacity as royal liegemen dominated the local public sphere and ruled it on behalf of the king. The tendency for hird membership, knighthood, and office to be hereditary or to be mostly confined to a few families can be seen in both Iceland and Norway. Yet there was one major difference: whereas Norwegian sheriffs tended not to have any personal affiliation to the districts they governed, even though there were exceptions, the Icelandic sheriffs were an integral part of the local community.

We also see clearly that political controversies in Norway had direct consequences for the government of Iceland. The conflict over the church's and the king's jurisdiction posed challenges for the sheriffs, and the contest over church property and relations between the church's men and the king's men were nourished by the conflict between king and church in Norway.

The transition to direct royal lordship did not take the form of a revolution, whether in Iceland or Orkney. The earldom of Orkney was allowed to remain in existence, and in Iceland the local aristocrats retained their power as royal officials. The kingdom and the state-formation process did not mean that a personal power foundation was less important for local administration of the kingdom. The study of the administrative apparatus in the tributary lands up to 1319 thus suggests that there was a less radical breach than the national research tradition has proposed. And in the case of Orkney we can say that the original system of government was maintained, but adapted to the needs of the kingdom. Although the earl was still the first among the king's men in Orkney, it is proposed here that he was not responsible for the king's interests in that tributary land. In the other tributary lands, however, the institutions of royal government prevailed absolutely.

The most important reason why we are able to demonstrate continuity between old and new rule is the role of the local aristocracy in the

government of the tributary lands. There are close parallels between the transition from rule by chieftains to royal power in Iceland and the formation of an aristocracy of officials in Norway. The switch from rule by chieftains to kingdom can also be illustrated by Hrafn Oddsson's career: independent Icelandic chieftain with no ties to the king before 1261; royal fiefholder from 1261; and sheriff from 1273 to 1289.

CHAPTER SIX

THE NORWEGIAN REALM AND THE PERSONAL UNION WITH SWEDEN, 1320–1350

The establishment of a personal union between Norway and Sweden in 1319 marks the start of a new era in Norwegian historiography. It was the first step towards a Scandinavian union. In the picture of decline that is painted by Norwegian historians, two elements are important for our study. One is the political turn of Norway towards the east, the other is the claim that the Norwegian medieval state dissolved. Whereas Norway in the High Middle Ages had been an Atlantic realm, in the Late Middle Ages it was absorbed into a common Scandinavian political world that was oriented towards the Baltic Sea and the German states. The Norwegian state is said to have decayed at the end of the fourteenth century. The government of Norway and Sweden, however, was not coordinated after 1319, and the changes we can demonstrate in the government of the kingdom of Norway until 1350 were a continuation of processes that were in motion during the reign of Håkon V Magnusson.[1]

We shall now examine how the relationship between the Norwegian kingdom and the tributary lands developed after the establishment of the Norwegian-Swedish personal union. I have elected to terminate the study at 1350, the next major watershed in Norwegian historiography. The consequences of the Black Death for the government of the tributary lands is a topic that we shall consider in the next chapter.

Because we lack sources on the government of Shetland and the Faroes from this period, the study has to be confined to Orkney and Iceland.

Orkney

Earl Magnus Jonsson probably died some time early in the 1320s. He left an under-age heir who was dead in 1330 when the earldom was

[1] See Steinar Imsen and Jørn Sandnes, *Avfolkning og union*, Norges Historie 4, Oslo 1977, pp. 48–57, 250–51; Blom 1992, pp. 824, 827, 830–31.

inherited by the Scot Malise, earl of Strathearn.[2] Was it still the king's officials who managed the king's interests in Orkney, or were they left in the care of the earl?

As we have seen, there seems to have been only one sheriff in Orkney when the agreement of 1312 was drawn up. In 1321, on the other hand, King Robert I of Scotland turned to the Norwegian king's "ballivi" or sheriffs—in the plural—in Orkney. The king wanted to find out whether it was the king of Norway or the sheriffs themselves who had permitted one of his enemies to stay in the islands even after King Robert's bailiff in Caithness had demanded that he be handed over. The king also wanted to know whether his subjects had been subjected to attack in Orkney, and if so whether it had happened on the king's order or on the sheriffs' own initiative.[3] Since King Robert refers to Orkney as one "balliam" or sheriffdom, it seems as if two men shared the district in 1321. We also find sheriffdoms being divided in other parts of the realm in this period.[4]

It was no doubt the sheriffs who were King Magnus's representatives in the earldom in 1321, and it felt natural for King Robert to address them. It is perfectly possible that Earl Magnus was dead in 1321, and that this explains the sheriffs' presence in the earldom. It is nevertheless clear from King Robert's letter that his bailiff in Caithness had previously applied to the sheriffs in Orkney. Earl Magnus was alive in the autumn of 1319, when he and his wife were witnesses to an agreement between the local bishop and visiting inspectors from the archbishop.[5] The approach by the Scottish king's bailiff to the sheriffs in Orkney had probably been sent a while before King Robert was informed about the problems. It therefore cannot be ruled out that Earl Magnus was still alive when the Orkney sheriffs were first approached from Scotland. The tasks mentioned in King Robert's letter, moreover, were part of the sheriff's sphere of responsibility, and

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[2] Crawford 1971, pp. 23, 25–29, 168; Thomson 2001, pp. 149–52.

[3] *DN* V 68. The king calls the sheriffdom "balliam vestram Orchadie", thus one district. See ch. 5 for the discussion of Latin designations on royal officials in Orkney.

[4] E.g. in Iceland (*IA*, p. 353 (1345)).

[5] *DN* IX 85 [1320]. In the letter the events in Orkney are said to have taken place in the autumn of 1319. According to Crawford, following J. Anderson (ed.) in *The Orkneyinga Saga*, transl. J. A. Hjaltalin and G. Goudie, Edinburgh 1873, p. lv, Robert I's letter is the proof that Earl Magnus was dead in 1321 (Crawford 1971, p. 23). See ch. 5, Orkney, "Domini Magni comitis Orcadie", on the uncertainty regarding this letter.

they are reminiscent of the tasks performed by the sheriff in the 1312 agreement.

We also have indications that there may have been a sheriff in Orkney at the end of the 1320s. In 1329 Earl Magnus's widow bought land in Orkney from Erling Vidkunsson, who was head of the Norwegian government during King Magnus Eriksson's minority. The Norwegian Sigurd Jatgeirsson was Erling's private agent in Orkney and carried out the sale on his behalf.[6] Sigurd himself was a knight and landowner from mid-Norway, and the most obvious reason why he was in Orkney was that he was sheriff.[7]

We know the name of the Orkney lawman in 1325. Sigvat Kolbeinsson was then at the Gulating (lawthing) in Bergen as a party in a property dispute with the monastery of Munkeliv, together with his brother's son-in-law. Five men who either were or had been lawmen managed to broker a settlement between the parties.[8] We do not know whether Sigvat was an Orcadian or a Norwegian, but he had both properties and family in Norway, and in 1330 he witnessed a donation in Bergen. Sigvat is then named without his title of lawman.[9]

We have very little information about Malise of Strathearn's time as earl of Orkney, and nothing that links him directly to the government of Orkney. But we know that there was at least one royal official in the earldom while Malise was earl: Sigurd Sigvatsson was lawman in Orkney in 1338.[10] As with Sigvat the lawman, we also meet Sigurd in western Norway. Along with the lawman of Gulating and others, Sigurd witnessed the purchase of property from Erling Vidkunsson by the abbot of Munkeliv. Although we have only the patronymic to go by, and the identification is therefore somewhat uncertain, it is possible that Sigurd was Sigvat's son. It was not uncommon for lawmen from the tributary lands to assist the lawman of Gulating when they had business in Norway.[11] We may assume that lawmen like Sigvat

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[6] *DN* II 168, 170. Crawford suggests that Erling Vidkunsson may have been sheriff of Orkney, while Sigurd was his local agent (Crawford 1971, p. 178). However, we have no indications at all that Erling Vidkunsson had a sheriffdom in Orkney while he governed Norway. On Erling's property in Orkney, see Wærdahl 1998, p. 109.

[7] On Sigurd Jatgeirsson, see *DN* II 120, 168, 170; IV 199, 202; V 112.

[8] *DN* XII 67, 68.

[9] *DN* XII 58 (1321), 76 (1330).

[10] *DN* XII 88.

[11] *REO*, pp. lxxii–lxxiii. As we have seen, Icelandic lawmen and king's men functioned as witnesses in the Bergen area both before and after 1300. Grímr Þorsteinsson, who had previously been lawman in Iceland, for example, was witness together with

and Sigurd were responsible for the administration of justice in the earldom.

It is not possible to prove that the Orkney earls took part in any way in the government of the tributary land in the period 1320 to 1350. And since there is information about both sheriffs and lawmen, we may assume that it was still the king's officials who managed the king's interests in Orkney. Apart from the division of the sheriffdom in 1321, we have no evidence of any changes in the government of the earldom. It is very interesting, however, that the royal officials whose names we know from this period were Norwegians or had extremely close ties to the Bergen area and were central actors in the government of the kingdom.

Iceland

Governor and sheriffs: persistence or change?

Because of the more meagre source material, we do not have the same knowledge of sheriffdoms and sheriffs in Iceland in this period as we had in the previous period. The Icelandic historian Axel Kristinsson thinks that there were more and smaller sheriffdoms after 1319, and that there may have been nine sheriffdoms in 1331. He attributes the development to an administrative reorganization after the death of King Håkon V and the establishment of the office of governor in Iceland.[12]

Even if there were smaller sheriffdoms after 1319, most of them still comprised a whole or a half quarter.[13] If we bear in mind the division

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the lawman of Gulating in 1343. See below on the consequences of the union for the king's men in Iceland.

[12] Axel Kristinsson's conclusion presupposes that a list of tax-paying farmers from Iceland, dated to 1311 in *DI* IV 311, is a result of two different tax assessments dated to 1311 and 1331 respectively. Axel Kristinsson believes that the 1311 assessment reflects a division into sheriffdoms based on the quarters, while the 1331 assessment is based on nine sheriffdoms (Axel Kristinsson 1998, pp. 122–28).

[13] Sveinn langr Þórisson presumably held Skagafjörður from 1301, while Alf of Kroken was given the rest of the Northern Quarter and the Eastern Quarter (*IA*, pp. 199, 387–88; *Lsb*, ch. 17). The sources are not unambiguous, however, and Axel Kristinsson also claims that Sveinn was Alf's agent (Axel Kristinsson 1998, p. 120). Eiríkr Sveinbjarnarson had the western part of the Northern Quarter in 1323 and Benedikt Kolbeinnsson the eastern part (*IA*, p. 346; *Lsb*, ch. 46, 49). Grímr Þorsteinsson came to Iceland from Norway as governor and was granted a fief in the Western and Southern Quarters (*IA*, p. 210 (1343)). Ívarr holmr Vigfússon had a sheriffdom

of sheriffdoms, however, then nine of these districts is a probable figure. Yet sheriffdoms had been divided even before 1300. It is therefore impossible to link the number of sheriffdoms to the personal union and an administrative reorganization after 1319, in my opinion.

In 1323 there were at least three sheriffs in Iceland: Benedikt Kolbeinsson, Ketill Þorláksson, who was also governor, and Eiríkr Sveinbjarnarson.[14] Benedikt and Eiríkr each had a district in their own part of the Northern Quarter, Eiríkr in the west and Benedikt in the east. Benedikt lived in the district over which he was placed in authority, while Eiríkr Sveinbjarnarson had to find a northern residence for himself when he was appointed sheriff there. He therefore contracted to rent the farm of Flugumýrr in Skagafjörður from the bishopric of Hólar for four years.[15] Sheriffdoms were no doubt something to be coveted, for in 1342 a bloody conflict arose between Jón Hallsson and Arnórr Þórðarson about the district between the Þjórsá river and Lómagnúprsandur. Arnórr was captured and maimed by Jón.[16]

We do not have much information about what the sheriffs did in this period, but in 1326 Benedikt Kolbeinsson witnessed a property agreement between Bishop Laurentius of Hólar and Abbot Guðmundr of the Þingeyrar monastery.[17] He could of course have been a witness as a private person, but it was common for the king's officials to assist churchmen in this way. Bishop Laurentius later came into conflict with the monastery of Möðruvellir. The dispute was resolved at Möðruvellir with the aid of prominent clerics and laymen, and when

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from the Þjórsá river eastwards (parts of the Southern Quarter) and the whole Eastern Quarter (*IA*, p. 355 (1352)).

[14] *IA*, p. 346. The same annal entry also mentions one Sigmundr fot Eyjólfsson who brought the document appointing Ketill and Eiríkr as sheriffs. We do not know, however, whether he was a sheriff himself or just a messenger. It is difficult to say with certainty who were sheriffs in Iceland in this period since there is little explicit information in the sources about sheriffs. It has been claimed that both Ketill and Eiríkr were governors (Björn Þorsteinsson and Sigurður Líndal 1978, p. 89), but there is nothing in the sources to link Eiríkr to the office (Axel Kristinsson 1998, p. 136).

[15] *Lsb*, ch. 46; *IA*, p. 346 (1323). Eiríkr paid twelve hundreds a year for the farm in goods and improvements to the buildings.

[16] *IA*, pp. 209–10, 222, 352, 401. The brothers Guðmundr and Ormr Snorrason were also sheriffs in this period (1345–53). For a survey of the king's officials in Iceland in this period, see the table in the appendix.

[17] *DI* II 363. We do not know for certain how long Benedikt was sheriff, but we have information to suggest that he was sheriff until about 1350. He was witness to the accounts of the monastery of Möðruvellir in 1350. (*DI* II 530).

the bishop later went to the monastery to inspect it, he had with him Benedikt and his attendants for protection.[18]

The really great change in the government of Iceland in this period was the establishment of the office of governor (ON *hirðstjóri*) around 1320. We have seen, however, that Hrafn Oddsson was the chief king's man in the country and leader of the Icelandic liegemen already in the 1270s. Axel Kristinsson links the creation of the post of governor to the weakening of royal power after 1319. He does not think it possible to prove that anyone was appointed standard-bearer (*merkismaðr*) or governor after the death of Hrafn in 1289.[19] But as we have seen, king's men like Þorvarðr Þórarinsson, Erlendr Óláfsson, and Alf of Kroken all had duties which suggest that they had a position comparable to Hrafn's. Moreover, we cannot date the establishment of the governorship (ON *hirðstjórn*) to 1320. That year refers only to the first time the title *hirðstjóri* is recorded in the extant source material. Ketill Þorláksson, who was probably governor from 1320 to 1341, was already serving the king in 1314, when he came to Iceland with the king's message and the title of knight.[20] Moreover, he was named first among the laymen who were summoned to Norway in 1319 in connection with the acclamation of Magnus Eriksson.[21] It cannot be ruled out that Ketill may have received both the governorship and a sheriffdom in addition to the dignity of knight in 1314.[22]

Axel Kristinsson thinks that Ketill Þorláksson should be compared with Hrafn Oddsson and not with the governors who were in the

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[18] *Lsb*, ch. 49, 53.

[19] Axel Kristinsson 1998, pp. 134–35. See also Björn Þorsteinsson, "Hirðstjóri", *KLNM* VI, 1961, cols. 582–83; Björn Þorsteinsson and Sigurður Líndal 1978, pp. 55–56 on the establishment of the position of governor.

[20] *DI* II 342 (1320), *IA*, pp. 151, 203–204, 344 (1314 and 1315). Because of the source situation, most of the periods of office must be regarded as suggestions. We do not know for sure that Ketill was governor until 1341. He did, however, perform duties indicative of this up to and including 1335, and he still visited Norway often in the 1330s. Moreover, we know of no other governor before 1341. (*IA*, pp. 208, 351 (1340), 273, 351, 401 (1341)).

[21] *IA*, p. 394; *Lsb*, ch. 31. The summoned men, according to *Laurentius saga biskups*, were both the bishops, both the lawmen, Ketill Þorláksson, six liegemen, and six of the leading farmers. Ketill is the only one named in both the annals and the saga.

[22] The Icelandic governors were appointed by the reigning monarch or regent. There is, however, one exception in the fourteenth century: in 1386/87 Eiríkr Guðmundarson was appointed by the *drottsæti* Ogmund Finnsson (*IA*, pp. 365, 414–15). Sheriffs were not given their districts for life. The letter appointing Ketill in 1323 was probably just one of many he received in the course of his career.

king's service in Iceland after 1341. His reason for this is that even though Ketill was the leader of the Icelandic liegemen, he was not the sheriffs' superior as his successors were. Axel Kristinsson's explanation for this is that, whereas Ketill was a knight and can be linked to the hird organization, the governor in 1341 was not a knight and consequently not part of any hird. We shall see later that there were more reasons why the governor no longer had the dignity of knight from the 1340s.[23] In my opinion, there is no doubt that both Hrafn and Ketill were far more than leaders of the liegemen. Hrafn was able to appoint temporary sheriffs in 1285. No other king's man in Iceland had such authority in his lifetime, and the governor did not perform such tasks in the fourteenth century.

In 1320–21 Ketill travelled around the country and received the Icelanders' oath of loyalty to King Magnus Eriksson.[24] This was a task that had previously been discharged by emissaries from Norway. When Laurentius Kálfsson was elected Bishop of Hólar in 1322, Ketill had a central role.[25] Laurentius at this time was in the monastery of Þingeyrar. When the news of his election reached him he wrote to Ketill, "who was then governor". Ketill came to meet Laurentius, and they rode together to Hólar where the governor announced the election from the chancel. Ketill and the official of the bishopric then led Laurentius to his episcopal chair.[26] Ketill later headed a large delegation of clerics and laymen who pronounced judgement in the conflict between the bishop and the monastery of Möðruvellir.[27] Ketill also had a central role in the collection of the king's regular revenue. In 1331 and 1335 he collaborated with emissaries from Norway in collecting and calculating the king's regular revenue from Iceland. On both occasions he accompanied the emissaries back to Norway.[28]

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[23] Axel Kristinsson 1998, pp. 136, 152.

[24] *IA*, pp. 267, 345.

[25] *IA*, p. 395 (1322).

[26] Troels Dahlerup, "Official. *Alment*", *KLNM* XII, 1967, cols. 528–29, and Magnús Már Lárusson, "Official. *Island*", ibid., col. 539; Hommedal 2010.

[27] *Lsb*, ch. 36, 49.

[28] *IA*, pp. 219 (1331), 220 (1335). In 1335 a man called "Uppsala-Hrólfr" had negotiated with the governor Ketill Þorlákssson and Loftr Þórðarson about the king's regular revenue. Hrólfr was a farmer from the Northern Quarter, and he probably undertook this at a local assembly in connection with the governor's collection or inspection of the king's regular revenue. It is possible that Hrólfr took part in the collection, either as sheriff or as a sheriff's agent.

In the letter where the title of *hirðstjóri* is used for the first time, the king addresses the *hirðstjóri*, the knights, the hird, and all the leading men of the country.[29] *Hirðstjóri* is used here as the title of an office, and since the knights also belonged to the class of *hirðstjórar*, the governors or managers of the royal hird, the form of address makes little sense if we just see it in connection with the hird organization. We may therefore conclude that Ketill as governor was a superior official in the king's administrative apparatus in Iceland. It is not actually possible to link Ketill to the role as head of the Icelandic hird. We shall see later that there probably was no longer any hird to lead in Iceland during his time in office.

It is thus impossible to demonstrate that any weakening of the Norwegian kingdom led to the establishment of a supreme office in the administrative apparatus in Iceland. Even if the title of governor was not in use in the 1270s, there was a superior royal official in the country. Iceland was the same size as a Norwegian province; it consisted of several sheriffdoms and two lawman's districts. A need had probably been felt for a superior royal official since the administrative apparatus had been established. We shall see that the term *hirðstjóri* was also employed as a title for royal officials at regional level in Norway in the fourteenth century.

In 1341 the Norwegian Botolf Andresson took over as governor.[30] Axel Kristinsson argues that this coincided with a change in the administrative structure in Iceland. In his view, the royal authority formerly administered by the sheriffs was now assumed by the governor, and the governorship was a combination of the old post as head of the hird and the office of sheriff.[31] Before we take a stance on this claim, let us look at the governor's responsibility and duties before 1350.

One of the governor's tasks was to collect the king's revenue from vacant sheriffdoms, but only the king could appoint sheriffs.[32] The governor, however, had the authority to prosecute sheriffs who had abused the king's subjects and bring the matter before the king. This, however, was to be done in consultation with the liegemen. We have no examples of governors taking action against sheriffs in Iceland,

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[29] "Bioðum uer hirðstiora uorum riddurum uorum hirð uorri oc ollum landzins formonnum […]." (*DI* II 343).

[30] *IA*, pp. 209, 273, 401 (1341).

[31] Axel Kristinsson 1998, p. 138.

[32] *DI* II 488.

although information in the annals and the regulations in an amendment from 1342 suggest that there may have been unlawful occupation of sheriffdoms.[33] The governor was undoubtedly superior to the sheriffs, but because the sheriffs were still responsible for local collection of the king's revenue, they must have retained their royal authority.

The governor also had the right to summon Icelanders who did not heed the king's regulations, to appear before the king, himself, or the lawman. In such cases the lawman first had to investigate whether the accused was innocent or not, before he was summoned to Norway. Lodin Lepp had this authority in 1281, but it does not seem as if the Icelandic sheriffs had comparable authority.[34] The governor also assisted the common people in their conflicts with churchmen. Ketill Þorláksson was one of several who presented the problems the people of Northern Iceland had with Bishop Audun to the king around 1320, and in 1347 Governor Holte Torgrimsson gave the Northerners advice in their conflict with the bishop of Hólar.[35]

The governor, as we have seen, supervised the collection of the king's regular revenue in collaboration with emissaries from Bergen. He also had the overall responsibility for trade in the country. Whereas the sheriffs had to keep an eye on local trade, the governor, among other things, had the authority to order merchants to transport the king's goods from Iceland.[36] The governor also proclaimed messages from the king to the Icelanders. And together with the rest of the king's men, the governor was responsible for having new legal provisions adopted at the Alþingi, and for implementing the king's commands.[37] Since Ketill as governor headed the men who judged in the conflict between Bishop Laurentius and the monastery of Möðruvellir, it seems that he may have had a superior part to play in the administration of justice.

We have no evidence to indicate that the sheriffs had to hand over any of their tasks to the governor, and to illustrate further the kind of role played by the governor, I now bring the governors in Norway into the study.

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[33] *IA*, pp. 209–10, 401. As we have seen before, there was conflict about sheriffdoms in 1342. This could explain why the king emphasizes in the amendment that no one can occupy sheriffdoms without his consent (*DI* II 488).

[34] *DI* III 32. See *Asb*, ch. 65 on Lodin.

[35] *DI* II 342 (1320); *IA*, p. 223 (1347).

[36] *DI* II 511 [1345].

[37] See e.g. *DI* II 342, III 35; *IA*, pp. 390 (1305), 212 (1346).

We have already seen that the term *merkismaðr* or standard-bearer was used of the king's senior official in Iceland. In Norway, too, older hird titles took on a new meaning.[38] The first *hirðstjóri* we meet in Norwegian sources is Ogmund Guttormsson, a member of the Norwegian Council of the realm. He was governor of Viken in 1347.[39] Ogmund set up a panel of assessors to judge a case that had been brought to the governor at a meeting at St. Olav's monastery in Oslo. In 1348 Ogmund again set up a tribunal, this time for a case against six farmers who were in conflict with the sheriff of Jemtland.[40]

The governor of Viken thus had a superior role in the administration of justice in his district. And since Ogmund's authority extended over several sheriffdoms and lawman's districts, even to Jemtland, we cannot compare the governor's authority with that of the sheriff. Norwegian historians consider governors to have been "head-sheriffs", "viceroys" and "deputies". They supervised officials in their district, and they were among the men who governed the country in the king's absence.[41] The case in Jemtland involved the king's sheriff, and it is very possible that in this case we also see the governor's role as the sheriffs' superior. But even if Norwegian governors had a fief (*lén*) for their subsistence, they did not take over the tasks of the sheriffs.[42] It was the sheriffs, not the governors, who represented the king locally in the sheriffdoms.

The governor in Iceland can be compared with the governors in Norway. Having *hirðstjórn* or governorship meant being delegated

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[38] Benedictow 1971, pp. 19–20.

[39] *DN* I 240, 307. According to Ole Jørgen Benedictow, governors were active as regional officials in Norway from *c.* 1335 (Benedictow 1971, p. 20). *DN* I 240, however, where the office of governor is mentioned for the first time, is incorrectly dated to 1336 in *DN* (*RN* V 960). This means that we have no evidence to suggest that the office was established before 1347 in Norway, although it is fully possible that it was.

[40] *DN* II 256. This case was special, however, because it was the result of a complaint about the sheriff to the king. The lawman in the royal estate in Oslo had first set the amount of the fine to be paid to the king, but left the amount of damages to be assessed by a six-man tribunal set up by Ogmund Guttormsson (*DN* II 287, III 256, 266; *RN* V [1047]). See also Imsen 1990, pp. 115–16; Njåstad 2003, pp. 161–70.

[41] *NFH* Unionsperioden, 1, pp. 189, 417, 810, 874–76; Yngvar Nielsen, *Det norske Riksraad*, 1880, pp. 206, 212; Blom 1992, pp. 168, 321, 578, 598; Ole G. Moseng *et al.*, *Norsk historie I, 750 1537*, Oslo 1999, p. 322, where the authors assume that the governors could have had a role as military commanders of the king's liegemen and their sworn attendants in the province.

[42] Otte Rømer was both governor and treasurer of Trondheim and sheriff of Hålogaland around 1370 (*DN* II 422, V 264).

royal authority over an area comprising several sheriffdoms and lawman's districts.[43] The position is reminiscent of the later *hovedlensherre* or chief fiefholder and can be interpreted as foreshadowing the transition to an administration by fiefholders in the Late Middle Ages. It was in 1346 that the first governor of Iceland used Bessastaðir in Álftanes as his official residence. Bessastaðir was one of the farms that King Håkon Håkonsson had confiscated after the death of Snorri Sturluson. Foreign governors later lived on the estate. In addition, the governor probably had royal property to provide him with food and lodging.[44]

In Iceland the arrangement with two judicial districts was maintained. We have examples of the lawmen making rulings in the 1320s and 1330s and taking part at the Alþingi.[45] In the conflict about tithes between the men of the Northern Quarter and Bishop Audun Torbergsson of Hólar, the lawman for the North and West, Grímr Þorsteinsson, was one of several laymen who tried to negotiate with the bishop. They did not succeed, and it is likely that the Northerners by this time had already appealed to the king about the matter.[46] Þorlákr Narfason, Grímr's colleague, was one of several king's men who reported to the king about the conflict with the bishop in 1320.[47] The Icelandic lawmen represented the common people to a significant extent, while simultaneously being king's men.

In the fourteenth century we encounter few emissaries from the central power in Iceland. Gunnar Råsvein came to Iceland with letters from the royal councillors in 1319 and in connection with the acclamation of King Magnus Eriksson. Emissaries also came from Bergen, presumably under-treasurers,[48] to collect the king's regular

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[43] In the annals *hirðstjórn* is defined in this way in connection with the appointment of Botolf Andresson in 1341: "at bioða yfir alla leikmenn" (to govern all laymen) (p. 209), "skipadr hirdstiore vm alt Jsland" (made governor over all Iceland) (p. 273) and "Vt kvoma botolfs Andrés sonar med kongs valld yfer allu landi" (Out came Botolf Andresson with the king's power over the whole land) (p. 352).

[44] See *Þsk*, ch. 10 on how the king inherited Snorri's property, with the exception of Reykholt which belonged to the church, and Björn Þorsteinsson and Sigurður Líndal 1978, p. 56 on Bessastaðir. In 1420 the widow of the governor Vigfúss Ívarsson agreed to transfer Vigfúss's estate to the king's representative, and said that she herself would visit the king the following year to sort out the rents and property. It seems as if Vigfúss had omitted to pay the king what he owed him. This may of course have been revenue that he had collected on behalf of the king (*DI* IV 344).

[45] *DI* II 388 [1329], 456 (1337); *Lsb*, ch. 33; *IA*, p. 347, 397.

[46] *Lsb*, ch. 32–33; *DI* II 337, 342.

[47] *DI* II 342.

[48] On the under-treasurers in Bergen, see Helle 1982, p. 562.

revenue and bring it back to Norway. In 1331 Haukr Erlendsson came with messages from the king, but collecting the king's regular revenue seems to have been his main task. Another reason why there were fewer emissaries may be the lack of major political matters, of which there had been several at the end of the thirteenth century.[49]

The greatest change in the administrative apparatus in Iceland during this period is that the governor became more firmly established as an official and that he also took over duties that had previously been discharged by emissaries from Norway. Through the governor, the local apparatus acquired greater authority. This process, however, may have begun before the death of King Håkon V in 1319, and it continued after 1350.

Local public life

Icelandic lawthingmen continued to assemble at Þingvellir every summer. The Alþingi was still the place to meet when Icelanders made demands of the king in connection with acclamation, even if they had sworn the oath of loyalty to the king at the local assemblies.[50]

I have already mentioned the Northerners' conflict with Bishop Audun Torbergsson in 1319–20. The quarrel started when the bishop did not heed the king's dictates in an ordinance from 1316 and tried, among other things, to make a change to the payment of tithes.[51] Homeless people in Skagafjörður banded together and besieged the bishop, but they gave up when the prominent local farmer, Hrafn Jónsson, and many priests promised that the tithes would not be changed.[52] The Northerners were not satisfied, however, and at the Alþingi they joined forces against the bishop. The lawman Grímr Þorsteinsson and many important laymen rode to Hólar after the assembly to prevail upon

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[49] Gunnar Råsvein came to Iceland with letters from the councillors in 1319 (*DI* II 343 [1320]). See also *DI* II 226 (1316); *RN* III 1130; cf. *NFH* Unionsperioden 1, p. 27, n. 1. Haukr Erlendsson and Loftr Þórðarson controlled the king's regular revenue along with the governor in 1331 and 1335 respectively (*IA*, pp. 206, 220).

[50] *IA*, pp. 153, 369 (1325), 347, 397 (1329), 213 (1347). In 1320–21 Ketill the governor travelled around Iceland with the king's message and got the Icelanders to swear to render dues and allegiance to King Magnus (*IA*, pp. 267, 345, 395).

[51] *NgL* III, 46; *DI* II 226, 337; *RN* III 970, 1130.

[52] It seems as if Hrafn was on good terms with the bishop. At any rate, he was entrusted with the task of ensuring that funds were collected to set up a memorial to Bishop Jón Halldórsson of Hólar on behalf of Bishop Audun (*Lsb*, ch. 32–33).

the bishop to change his mind. They did not succeed.[53] The Icelanders also sent a letter of complaint to King Håkon, listing all the errors committed by Bishop Audun, protesting against the appointment of foreign bishops, and pointing out that the church helped itself to royal property.[54] The letter was probably brought to Norway by the governor, Ketill, and his uncle, the lawman Snorri Narfason. In Norway the Icelander Haukr Erlendsson was also brought into the matter. He was now into his third period as lawman at Gulating, and was no doubt a good man to have on one's side.[55] King Magnus, or rather his advisers in Bergen, received the Northerners' letter and was informed about the case by Ketill, Snorri, Haukr and many other "competent" men whom the king had summoned. The letter of complaint led to action: the old order of the tithes was to be maintained.[56]

The conflict with the bishop was resolved when the Northerners brought in the assembled common people, the king's officials locally and centrally, and finally the king. In this case the cooperation that the crown had initialized in the law between the common people, the king's local representatives, and the central authorities also functioned in practice. The Northerners' conflicts with the bishops of Hólar were, incidentally, a recurrent feature of public life in Iceland in the first half of the fourteenth century. In 1347 the Alþingi was used to protest against Bishop Orm Aslaksson. In this case the governor Holte advised the farmers to write a letter of complaint to the king, and measures were indeed taken against the bishop.[57]

The Alþingi was also used to obtain consent for new statutory provisions. They could be submitted by the king or by local bishops, or could concern decisions on matters delegated to the Alþingi.[58] The lawmen still administered the Alþingi. However, we have no examples of rulings by the law court in this period, but in 1348 a Jón Guttormsson was sentenced to go to Norway at the king's mercy.[59] The judgement might possibly have been pronounced at the Alþingi.

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[53] The poor relations between Bishop Audun and the Northerners are described in detail in *Laurentius saga biskups*. The bishop was a Norwegian and obviously had problems understanding and accepting Icelandic traditions.
[54] *DI* II 337 [1319]. On the dating, see *RN* III 1130.
[55] Helle 1982, p. 564.
[56] *DI* II 342.
[57] *IA*, pp. 213, 223, 275–76 (1347). See also *DN* II 529; *IA*, p. 276 (1351).
[58] *DI* II 366 (1326); *IA*, pp. 153, 396 (1325), 268 (1326).
[59] *IA*, pp. 347, 397 (1329), 354 (1348).

The king's officials, as we have seen, were active in the local public sphere in connection with the appointment of new bishops and in conflicts between laymen and the church. Lawmen were also frequently engaged as witnesses, and their work in the local public sphere shows which social stratum the officials belonged to. In 1339 the lawman Guðmundr Sigurðarson was a witness along with Einarr Grímsson, Geirr Þorsteinsson, and others. Geirr was the nephew of Þórðr Hallsson, former sheriff and knight.[60] Einarr came from an old chieftain family and was closely related to the prominent farmer Hrafn Jónsson, for whom another lawman, Pétr Halldórsson, was witness two years later.[61] Hrafn was one of the most powerful men in Northern Iceland, besides being Hrafn Oddsson's grandson. Yet even though Hrafn had close ties to the king's men—his brother was a knight and sheriff and his daughter married the governor Botolf Andresson, and he himself played an active part in local public life in Northern Iceland—we cannot link him directly to royal service.[62]

The lawman Pétr Halldórsson was involved in the Northerners' conflict with Bishop Orm Aslaksson. In 1350 he was summoned to Norway in connection with that case.[63] Pétr was not alone. Several of the most prominent farmers in the north were also summoned to Norway, including Benedikt Kolbeinsson and his son Kolbeinn. Benedikt and his son were active in public life in the Northern Quarter for several decades, and Benedikt may still have been sheriff in 1350.[64] The king had also summoned Magnús ríki of Svalbarð, his son-in-law Sigurðr Guðmundarson, later lawman and the son of the lawman Guðmundr Sigurðarson, and the aforementioned Geirr Þorsteinsson

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[60] *DI* II 484. On Geirr Þorsteinsson of Seila, see *ÍÆ* II, p. 34 and *ÍÁ*, I Oddaverjar and XVIII, Möðruvellingar.

[61] *DI* II 466 (1339), 484 (1341). On Einarr Grímsson, see *ÍÁ*, XI Seldælir.

[62] On Hrafn Jónsson's family background and his descendants, see *ÍÆ* II, p. 372; *Sts* II, 23th gen. Rauðsendir and Sandamenn and 19th gen. Sturlungar b; *ÍÁ*, I Oddaverjar and XI Seldælir. Several letters show what a prominent role Hrafn had in Northern Iceland in the 1320s and 1330s. He made a ruling on a boundary marker together with the bishop of Hólar (*DI* II 470). He witnessed several of the economic arrangements of the church of Hólar (*DI* II 416, 417). Geirr Þorsteinsson was witness to Hrafn's own property transactions (*DI* II 470). In 1333 Hrafn left Iceland, probably for Norway (*IA*, pp. 401, 273).

[63] *DI* II 529.

[64] The following letters testify to the role of Benedikt and his sons in Iceland throughout most of the fourteenth century: *DI* I 489, 490, II 96, 350, 474, 476, 477, 529. See also *IA*, pp. 355, 276 on the conflict between Bishop Orm of Hólar and the Northerners.

and Nikulás Broddisson of Flatatunga.[65] The Northerners won the king over to their side, and they returned to Iceland with a letter from the king declaring that the bishop should not make new demands of the king's subjects.[66]

The king's men in northern Iceland were undoubtedly an integral part of the local elite. Benedikt Kolbeinsson was one of the most powerful men in Iceland, and when he combined his personal power base with the office of sheriff, we see the role of the local Icelandic elite in the government of the country. This brief look at the actions of the lawmen shows us, moreover, that it is problematic to draw a sharp dividing line between those who were king's men and those who were not. But before we look more closely at the relationship between the king's men and the local elite, let us consider the greatest change in the administrative apparatus in Iceland during this period.

The consequences of the personal union for the king's men

We have seen that there seems to have been a decline in the number of ordinary hirdmen in Iceland from the end of the thirteenth century, and in the 1320s and 1330s the *hirðstjóri* was not the leader of an Icelandic division of the hird. Terms like *hirð, hirðmaðr*, and *handgegnir menn* nevertheless survive longer in the king's letters and amendments than in other sources. Right up until 1353 the king referred to the liegemen's responsibility and duties in amendments and royal letters to Iceland.[67] Lack of information about ordinary hirdmen in practice, and the absence of any mention in the normative sources after 1353, suggests that the old hird organization was being restructured or dismantled in Iceland as in Norway. The most important reason for this conclusion, however, is the dramatic fall in the

[65] *DI* II 529. *ÍÁ*, VIII Svalbarðsætt.

[66] *IA*, p. 276 (1352, 1353).

[67] *DI* III 34 [1353]. In 1320 King Magnus Eriksson asked the governor, the knights, the hird, and all the leading men of the country to comply with his decisions (*DI* II 342). In 1342 the governor was urged to take advice from the hird to reprimand unruly sheriffs (*DI* II 488). Around 1305 the liegemen were given concrete tasks when Bishop Jǫrundr of Hólar was said to have taken funds that were supposed to go to the poor (*DI* II 183). See *Jb*, p. 255/ *NgL* III, pp. 3–12 (1280); *Jb*, p. 260/ *NgL* III, pp. 63–67 (1303). The only exception is in 1375, when there is a reference to the liegemen in connection with the Icelanders' demands to King Håkon VI Magnusson (*DI* IX 7), and *IA*, p. 415 (1388), where Eiríkr Guðmundarson is called both governor and hirdman.

number of Icelanders with knighthoods. Most of the king's officials were still knights in 1319, but in 1350 there was only one knight left in the king's service in Iceland.

Benedikt Kolbeinsson, who received a sheriffdom in 1323, would have been a typical candidate for a knight in 1290, as his father had been.[68] But Benedikt is never recorded with the title *herra*. Ketill Þorláksson and Eiríkr Sveinbjarnarson, who were given sheriffdoms at the same time as Benedikt, were both older, and they had been dubbed as knights in 1314 and 1316, respectively. Botolf Andresson, who took over as governor after Ketill Þorláksson in 1341, was not a knight either. Yet Grímr Þorsteinsson, who took over after Botolf in 1343, was one. At this time Grímr had a long career as lawman behind him, and he had probably been knighted in 1316.[69] Grímr became lawman again in 1346, and he died in 1352 as the last knight in the king's service in Iceland in the fourteenth century.[70] After the death of King Håkon V, neither Icelanders nor Norwegians with offices in Iceland were recruited to the knightly class. It is important to mention, however, that in the fifteenth century we once again find Icelanders with the dignity of knight.[71]

The many knights in Iceland in the first two decades of the fourteenth century, and the striking lack of knights in 1350, may be connected to structural changes in the Norwegian aristocracy. According to Ole Jørgen Benedictow, the old hird was displaced by a system of knighthood at the start of the fourteenth century, while the old aristocracy of officials was replaced by a hereditary aristocracy. After the abolition of the dignity of *lendir maðr*/baron in 1308, knighthood became more exclusive, and the nobility was in practice divided into two: knights and squires (Lat. *armiger*, or ON *maðr* or *sveinn á vápn*).

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[68] *IA*, pp. 74, 149 (1309); *Lsb*, ch. 27; *ÍÆ* I, p. 132; *Sts* II, 3th gen. Oddaverjar a; *ÍÁ*, XIX Auðkýlingar.

[69] Ketill: *IA*, p. 151, 203–204, 344 (1314, 1315); Eiríkr: *IA*, p. 344 (1316); Botolf: *IA*, pp. 209, 273, 401 (1341), and Grímr: *IA*, p. 393 (1316). Eiríkr and Grímr were knighted in connection with the birth of Magnus Eriksson in 1316. So too was the lawman Guðmundr Sigurðarson. See Benedictow 1972, p. 268 on 1316.

[70] *IA*, p. 214 (1350), 405 (1351), 355 (1352).

[71] See e.g. *DI* V 175 (1459), 341 (1463/1464). Eyjólfr Arnfinnsson was the son and grandson of former governors and a member of the Svalbarð family (*DI* V 341; *ÍÆ* I, pp. 448–48; *ÍÁ*, VIII Svalbarðætt). His case is thus confirmation that rank was still inherited within a certain stratum of the Icelandic population.

The squires correspond in a way to ordinary hirdmen.[72] The Icelandic elite was thus unable to be part of the formation of a new Norwegian high aristocracy. Nor should we forget that the distance to the king's court had now become greater since the king spent long periods in Sweden and his attention was directed to places other than Iceland.[73] The Norwegian Torgaut Jonsson was governor of Iceland around 1370. He belonged to the councillor stratum in Norway and never became a knight. As a squire, however, he is the only man of rank we know in royal service in Iceland from 1352 to *c.* 1400.[74] When viewed in this light, it is no surprise that there was not a single knight among the king's men in Iceland from 1352 to 1397.

The king's squires did not have the title of *herra* and are therefore not so easy to identify in the sources. But from the 1330s, and especially after 1360, members of the aristocracy and leading king's men are still recorded with designations of respect such as "well-born", "honourable", and "honest" in the sources. These titles are usually associated with the growing hereditary nobility, but they can also be used to identify squires.[75] Yet with the exception of the governor Torgaut we know of no squires in royal service in Iceland. The king's men are not described with the honourific titles we know from Norway and Sweden. The Icelanders also seem to have fallen outside this group, which in Norway mainly consisted of younger members of the country's high aristocracy. The Icelanders seem to have been left outside the national aristocracy, thereby losing their direct ties to the king, the court, and the king's advisors that the dignity of knight had previously given them.

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[72] *NgL* III, 25. Ole Jørgen Benedictow claims that the 1308 amendment must be viewed in the context of a reorganization of the king's liegemen into a knighthood following the Western European pattern (Benedictow 1972, pp. 260–69, 283, 279). The dignity of *lendir maðr*/baron gradually disappeared, but as late as 1369 Jon Havtoresson is titled "baro regni Norwegie" (*DN* VIII 185; Blom 1992, p. 805). In the 1370s, according to Grethe A. Blom, there were only seven Norwegians who were knights: Ogmund Finnsson, Jon and Sigurd Havtoresons, Ulf Jonsson, Håkon Eyvindsson, Hallvard Jonsson, and Jon Torvaldsson. The remainder of the king's advisers were squires (Blom 1992, p. 805).

[73] Benedictow 1972, pp. 279–80.

[74] *IA*, pp. 228, 411, 363 (1370–75). See also Blom 1983, p. 29; *NFH* Unionsperioden, 2, p. 32. For Torgaut in the king's service in Norway, see *DN* II 409 (1370), IV 363 (1353), VIII 185 (1369).

[75] Benedictow 1971, p. 12; Benedictow 1972, pp. 260–61, 279–80. Håkon Jonsson, sheriff of Orkney and Shetland in 1369, is described as "heiðrlegr man ok vel boren" (honest man and well-born) (*DN* I 404).

Yet even if the institution of the hird disappeared, the interest in the law code of the hird persisted among the Icelanders. Of the thirteen complete texts of *Hirðskrá*, eight come from Iceland, where interest in this law seems to have been much greater than in Norway after 1350. One of the complete copies is found in one of the most magnificent manuscripts surviving in Iceland, *Skarðsbók*. The manuscript is dated to the 1360s and was probably copied by or on behalf of the lawman Ormr Snorrason from Skarð. In addition, there is a fragment of *Hirðskrá* from the lawman Haukr Erlendsson's collection.[76]

In both Iceland and Norway the term *bóndi*, literally farmer, was used as an honourific title for the leading men of the farming community, and the designation is associated with a community where the local elite dominated public life. These men are also described as "good men" in the sources, and they were the natural and self-appointed leaders of their locality. In both Iceland and Norway the term *bóndi* was a form of address. In Iceland it was also used of the king's officials.[77] In 1275 all officials and several hirdmen in Iceland were called *bóndi* in a letter to the king. Several of them were already *skutilsveinar* and all later became knights. The king's emissary in 1277, Eindride Boggul, is also described as both *bóndi* and a hirdman.[78] The term *bóndi* can be primarily associated with the stratum of the population who were recruited to royal service in Iceland, namely, the members of the local elite. The title thus identifies both members of the local elite and the king's men, and thereby helps us to ascertain the social background of the king's men in this period.

After 1320 the *bóndi* term is used of men like Benedikt Kolbeinsson, Hrafn Jónsson, and Geirr Þorsteinsson, who were all central actors in local public life in Northern Iceland.[79] Benedikt was a sheriff, and other officials were also called *bóndi* in this period. In *Laurentius saga biskups*, however, the use of titles is categorical; *bóndi* is not applied

[76] *H*, pp. 15–19.

[77] Magnús Már Lárusson, "Bonde. *Island*", *KLNM* II, 1957, col. 97; Hallvard Trætteberg, "Bondesegl", *KLNM*, II, 1957, col. 103; Imsen 1990, p. 96.

[78] *DI* II 57. See also *Asb*, ch. 12; *RN* II 129. Hrafn Oddsson, Þorvarðr Þórarinsson, Ásgrímr Þorsteinsson, Sturla Þórðarson, Sighvatr Hálfdanarson, and Erlendr Óláfsson. *Asb*, ch. 18, 45, 60 (Eindride). The sheriff and knight Þorvarðr Þórarinsson was also called *bóndi* (*Asb*, ch. 41).

[79] *Lsb*, p. 108; *DI* II 470.

to knights.[80] The squire Torgaut Jonsson was also called *bóndi* in Iceland.[81]

Although the Icelandic officials were no longer given titles of rank, they were still recruited from the same social stratum as before 1319. The elite who dominated local public life in Iceland were recruited for royal service. There were still descendants of chieftains among the officials, and many had married into the old chieftain families. And even though not all officials had lordly titles any more, several of them were descendants of knights.[82]

There was strong continuity in offices in Iceland. The same man could hold office for several decades.[83] And although the offices were not hereditary, it is obvious that the officials tended to be recruited from the same families. When it comes to the office of lawman, we can speak of veritable dynasties of lawmen.[84] Knowledge of the law and a tradition of book learning can go a long way in explaining this development.[85] Literacy was essential to be able to hold royal offices.

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[80] Among others, the governor Holte Torgrimsson (*IA*, p. 403 (1346)). A Erlendr bóndi had a judicial district in 1319 (*Lsb*, ch. 31; *IA*, p. 151). The knights Ketill Þorláksson and Eiríkr Sveinbjarnarson are consistently given the title of *herra*.

[81] *IA*, p. 363 (1375).

[82] *Sheriffs (S), governors (H)* and *lawmen (L)*: Eiríkr Sveinbjarnarson (*S*, *ÍÆ* I, s. 421; *Sts* II, 24th gen. Seldælir; *ÍÁ*, III Sturlungar and IV Haukdælir); Benedikt Kolbeinsson (*S*, *ÍÆ* I, p. 132; *Sts* II, 3th gen. Oddaverjar a; *ÍÁ*, XIX Auðkýlingar, and son of a knight); Ívarr holmr Vigfússon (*S*, *c.* 1352–1354, *Sts* II, 7th gen. Haukdælir and ÍÁ, I Oddaverjar); Þórðr Egilsson (*L*, *c.* 1341–46 (JS 1341–1345), 1352–1357; *Sts* II, 18th gen. Sturlungar a); Ketill Þorláksson *H*, Snorri Narfason *L*, and Guðmundr Snorrason *S* and Snorri's son (*Sts* II, 20th gen. Skarðverjar; *ÍÁ*, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir); Loftr Þórðarson (emissary in 1335, was the son of the former *S*, knight Þórðr Hallsson (*Sts* II, 38th gen. Möðruvellingar yngri and 8th gen. Ámundaætt), and Haukr Erlendsson (emissary 1331, *Sts* II, 6th gen. Vallverjar and Flóamenn, Haukr's father was Erlendr Óláfsson, *L*, *S*, (*H*), and knight).

[83] Ketill Þorláksson was governor from (1314) 1320 to 1341. Snorri Narfason was lawman *c.* 1316–1318, 1320–1330 (JS 1320–1329). Grímr Þorsteinsson was lawman, governor, and lawman again between 1319 and 1350. Benedikt Kolbeinsson may have had sheriffdom from 1323 to 1350.

[84] The Hlíð family comprised Sigurðr Guðmundarson (1290–1296), (JS 1290–1296); Guðmundr Sigurðarson (1302–1318 and 1321–1340), Sigurðr Guðmundarson (1358 and 1376–1377), (*ÍÆ* II, p. 179, IV, p. 221; *ÍÁ*, XX Ljósvetningar and Hlíðarmenn). The Skarð family comprised Ketill Þorláksson's father, Þorlákr Narfason (1290–1291, 1293–1295 and 1298–99, 1303 (not in JS)), and his paternal uncles, Þórðr (1296–97, 1300), and Snorri (1306–1307, 1316–1318, 1320–1330), (JS 1320–1329). Of Snorri Narfason's sons, Ormr became lawman, sheriff, and governor and Guðmundr was sheriff (*Sts* II, 20th gen. Skarðverjar; *ÍÁ*, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir).

[85] Laurentius Kálfsson—future bishop of Hólar—taught the lawman Guðmundr Sigurðarson's son in the monastery of Þingeyrar (*Lsb*, ch. 48).

The king's officials were recruited from the stratum of the population that had the necessary material and cultural requirements.

The Icelandic king's men, however, maintained contact with the king's officials in Bergen, and they took advantage of their contacts with the king and his advisers. In 1320 Haukr Erlendsson, who was then lawman of Gulating, was among those who presented the Northerners' complaints about Bishop Audun to the king.[86] Haukr went to Iceland with the king's message and to collect the king's regular revenue along with Ketill in 1331. As far as we know, he no longer held office for the king in Norway, but since he was involved in tax collection he may have been under-treasurer.[87] Loftr Þórðarson, who went to Iceland in connection with the king's regular revenue in 1335, may also have held a position like this. He was married in Norway, and as far as we know he had no office in Iceland.[88] It is perfectly possible that there was still an Icelandic community in Bergen in the first half of the fourteenth century as there had been in the middle of the thirteenth century.

From this period we also have some insight into what the Icelandic officials did when they were residing in Bergen. In 1332 Ketill Þorláksson was witness to the distribution of an estate, along with Haukr Erlendsson and the lawman of Gulating.[89] In 1343 the lawman Grímr Þorsteinsson was assessor in Bergen along with Holte Torgrimsson, who was then lawman of Gulating.[90] Grímr was appointed governor in that year, while Holte became governor in 1346, the same year that Grímr became a lawman again.[91]

The Icelandic officials went to Bergen to conduct their business and to be appointed to new offices, and they still belonged to the group of king's men who were staying in the town at any time, and they could act as assessors and witnesses when needed. The ties of the officials to the Bergen area, and to the central royal officials in the town, confirm that Iceland and the other tributary lands were still governed from Bergen.

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[86] *DI* II 342.
[87] *IA*, p. 219. Haukr had been lawman of Gulating until 1322 (Helle 1982, p. 564).
[88] *IA*, pp. 220, 221. Loftr was married to Malmfrid Arnesdatter of Ask, probably daughter of the knight Arne of Ask (ÍÆ III, p. 399; *Sts* II, 38th gen. Möðruvellingar yngri and 8th gen. Ámundaætt; *DN* IV 149, XV 11).
[89] *DN* I 220.
[90] *DN* XXI 69.
[91] *IA*, pp. 210 (1343), 212, 223, 403.

After 1310, thirty-one years elapsed before a Norwegian came to Iceland as an official. This was Botolf Andresson, who was governor from 1341 to 1343. He married the daughter of Hrafn Jónsson and thus became part of the local elite.[92] We cannot say with certainty that Holte Torgrimsson, who was governor from 1346 to 1348, was a Norwegian as Björn Þorsteinsson claims. He had been lawman of Gulating, but this does not rule out the possibility that he was an Icelander. Haukr Erlendsson had held that office for several periods. Moreover, Holte seems to have had an Icelandic wife.[93] After 1319 no Norwegians came to Iceland as king's emissaries either. There were thus even fewer Norwegians involved in the government of Iceland from 1320 to 1350 than there had been before.

During the reign of Magnus Eriksson, then, the old bonds between the Icelandic elite, the hird, and the king became looser. This development can only partly be explained in terms of processes that began in the reign of Håkon V. After 1320 the court and the king moved east. Bergen and the king's men residing there were still the centre for the Icelanders' contacts with the government of the kingdom, but in the new Scandinavia that was now in the making—gathered around the Baltic Sea and Northern Germany—Iceland and the Icelanders were doomed to be on the periphery.

Conclusion

We cannot demonstrate any major changes in the administrative apparatus in Orkney and Iceland after 1319. In the case of Orkney we see, first of all, that the earl still had no part to play in the king's local apparatus, and we meet the local lawman for the first time. It seems as if two men divided the post of sheriff of Orkney between them in 1321, but this cannot be taken as evidence of any permanent restructuring of government.

The origin of the office of governor, in the case of Iceland, can be traced back to the 1270s. As in Norway, old hird offices shifted in their

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[92] *ÍÆ* I, p. 265; *Sts* II, 23th gen. Rauðsendir and Sandamenn and 19th gen. Sturlungar b; Einar Bjarnason, "Árni Þórðarson, Smiður Andrésson, og Grundar-Helga", *Saga* XII, 1974, p. 95.

[93] Holte was lawman of Gulating 1342–1345 (Helle 1982, p. 564). On Holte's "nationality", see *ÍÁ*, p. 96 and Björn Þorsteinsson 1956, p. 172. Holte's wife at any rate stayed on in Iceland after Holte's death (*DI* III 28 [1352]).

function in the first half of the fourteenth century, and the governor continued to be the leading man in the government of Iceland. The governor was also given greater authority, and tasks were delegated to him that had previously been performed by emissaries of the central government.

As regards the government of the tributary lands and the local public sphere, both the king's men and the local elite played an active role. In Iceland the local elite were also recruited to offices. The greatest change in the government of Iceland affected the men who ruled the country on behalf of the king. In 1350 they were no longer a part of the aristocracy of the realm. The Icelandic officials nevertheless maintained their contacts with the king's men in Bergen, as did the Orkney officials. Yet there is a major difference between the officials in Iceland and Orkney. Whereas Icelanders were appointed as both sheriffs and lawmen in Iceland, we already gain the impression that Norwegians were more strongly represented in the administrative apparatus of Orkney in the fourteenth century.

CHAPTER SEVEN

ON THE PERIPHERY OF THE KINGDOM, 1351–1397

In Norway the plague and the agrarian crisis led to a reorganization and rationalization of local administration after 1351. Sheriffdoms and offices were amalgamated and more fiefs were held on lease, whereby the occupant paid an annual fee to the king, without any obligation to present accounts. It is assumed that most sheriffdoms in the kingdom had previously been held on account, with the occupant having to provide the king with a full account of income and expenditure, but it became more common in the fourteenth century for sheriffs to retain a greater share of the revenue, and some indeed kept all the revenue for themselves in return for payment of a leasing fee or other compensation to the king. The crown calculated that fiefs like these were more profitable than the regular sheriffdoms. The new administrative system is often called *lensvesen* by Scandinavian historians—an administration by fiefholders. In the fifteenth century it becomes common, in keeping with Danish administrative terminology, to call the fiefholders lensmenn. They should not be confused with the sheriffs' agents (*lénsmenn*) or the *bondelensmenn* 'farmer's agents' we find in the late medieval Norwegian local communities. Before 1400, however, the new term had not yet gained currency in Norway. It would take a long time before the new designations were established.[1]

In 1355 King Håkon VI Magnusson came of age and took over the rule of Norway. Magnus Eriksson nevertheless continued to rule the tributary lands and parts of Norway after his son became king. From 1357 King Magnus also shared the kingdom of Sweden with his oldest son Erik. After the death of King Erik in 1359, Håkon was the first in line for election as king of Sweden after his father. He was indeed elected king in 1362, but was deposed again in 1364. In Iceland it has been common to regard the whole period from 1319 until the death

[1] See Imsen 2002, pp. 62, 69, 77–83 on older and more recent views of administrative development in Norway up to 1397. See ch. 3 on sheriffs and sheriffdoms.

of King Magnus in 1374 as an unbroken personal union with Sweden,[2] but since Magnus Eriksson was a prisoner of his rival, Albrekt of Mecklenburg, from 1365 to 1371, it was in reality King Håkon who governed his father's part of the kingdom of Norway. King Magnus died in 1374. After King Håkon's death in 1380, his son Olav became king of Norway. Olav had been elected king of Denmark in 1376, and a new personal union was the result, this time with Denmark. As long as Olav was under age, the country was governed by the Norwegian Council of the Realm. The Council gave Olav's mother, Queen Margrete, the authority to settle relations with the Hanseatic League. In reality she had a free hand in foreign policy. The Council continued to govern the country after Olav's death in 1387. There was a close and trusting relationship between the queen and the councillors, who ensured in 1388 that she was elected regent of Norway and simultaneously determined that the line of inheritance should now be counted from her. This paved the way for Margrete's niece's son Bugislav of Pomerania to assume the Norwegian throne. In 1389 he was accepted as heir to the crown of Norway and acclaimed at the Eyrating in Trondheim under the name Erik. In 1395 and 1396 Erik was elected king in Denmark and Sweden, and in 1397 he was crowned king of the Nordic Union in Kalmar. By agreement with Queen Margrete, the Norwegian Council of the Realm continued to govern Norway until 1397, but in 1398 important functions of central administration were moved to Denmark.[3]

Between 1355 and 1380 the Norwegians once again had a king for themselves. But the new Norwegian king was mostly preoccupied with regaining the throne of Sweden, and in alliance with Denmark, Norway became increasingly involved in the game of winning Scandinavia. The question to be considered here is whether or how circumstances in Norway and the joint Scandinavian policy affected the government of the tributary lands.

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[2] Björn Þorsteinsson and Guðrún Ása Grímsdóttir 1989, pp. 236–37. See also Blom 1983, pp. 19–21.

[3] See e.g. Imsen and Sandnes 1977 for a survey of political development in Norway and the rest of Scandinavia from 1319 to 1397.

Orkney

The administrative apparatus

After the death of Earl Malise some time in the 1350s, no new earl of Orkney was appointed. Malise had three heirs: his grandsons Alexander de Ard, Henry Sinclair, and Malise Sperra. But before the heirs came of age and competition for the earldom toughened, the Swedish magnate Erengisle Sunesson was given the title Earl of Orkney. As said in the 'Genealogy of the Earls' he was married to one of Malise's five daughters, although it has been suggested that he was a so-called "titular earl", who was granted the dignity as a favour by King Magnus Eriksson.[4] In 1357 the Scottish magnate Duncan Anderson demanded that the Orcadians should stop paying the earldom revenues to the king and give them to him instead, as he was guardian to the heir to the earldom, Alexander de Ard.[5] The fact that all the revenue from the earldom went to the king in 1357 also suggests that Erengisle was earl in name only. The 'Genealogy' says specifically that Erengisle was in Orkney and was entitled to his wife's part of the lands, although he lived in Sweden and was one of King Magnus Eriksson's trusted men. Crawford suggests that by 1357 Erengisle appears to have lost any powers that he had been given, because Duncan Anderson's demand shows that the revenue from the earldom at this time went to the king. Erengisle, however, continued to use the title of earl after 1357, and even after a new earl of Orkney had been appointed in 1379.[6]

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[4] *DN* XX 833, p. 126; Blom 1992, p. 391.

[5] *DN* II 337; Thomson 2001, p. 153.

[6] Crawford 1971, p. 35. Erengisle Sunesson (d. 1392) was one of the most influential magnates in Sweden in the latter part of Magnus Eriksson's reign and in the time of King Albrekt. He took part, for instance, in King Magnus's journey to Namur to ask for the hand of Blanche, the future queen, in 1334; he is called knight for the first time in 1344; and he became a councillor. His second wife may have been Annot/Agneta, daughter of Earl Malise (Crawford 1971, p. 35; Thomson 2001, pp. 152–53). A son-in-law could not possibly have been perceived as the proper heir to the title of earl, so the appointment was in breach of previous customs and regulations. Erengisle belonged to the rebellious magnates who supported the young Swedish king Erik Magnusson in the conflict with his father Magnus at the end of the 1350s. In itself this could have been enough reason for him to lose the title of earl. He later supported Albrekt of Mecklenburg. He was councillor in 1371 and was active in national affairs throughout the 1370s (S. Tunberg, "Erengisle Sunesson", Svenskt biografiskt lexikon VII, Stockholm 1927, p. 49). But Erengisle continued to use the titles 'earl' and 'earl of Orkney' after 1379. (*RN* VII 46 [1370], 176 (1371), 728 (1378), 1424 (1388)). Cf. Crawford 1971, p. 36, n. 1.

In 1357 the revenue from the earldom reached the king through a middleman.[7] As long as no new earl had been appointed, all the revenue went to the king, and it was collected by the king's men. The king's local representatives managed both the king's and the earl's revenue. Duncan Anderson's letter about the revenue from the earldom was addressed both to the Orcadians and to the king's local representatives. The king probably had a sheriff in Orkney in 1357. There was definitely a sheriff present in 1364, when Thomas Sinclair was the Norwegian king's "bailiff". He was in Kirkwall and witnessed a property transaction.[8] In 1369 the Norwegian Håkon Jonsson and Bishop William IV of Orkney reached an agreement in the same place.[9] Håkon Jonsson was then responsible for collecting the king's revenue in both Orkney and Shetland. The agreement was necessary because of repeated conflicts between the bishop and Håkon and between their men. Among other things, it concerned the problem of the church's and the king's jurisdiction and hence the revenue from fines. This was still a burning issue a good hundred years after the controversy had soured relations between Þorvarðr Þórarinsson and Bishop Árni of Skálholt in Iceland. Håkon and his family had extensive properties in Shetland, and the conflict had affected the parties' estates and tenants.

Håkon Jonsson was King Håkon V's great-grandchild and would later be one of the leading men in the government of the kingdom.[10] He is mentioned without any official title in 1369, merely with an honourific title, but he is consistently given the title sheriff and governor

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[7] *DN* II 337. Orig.: "in media manuta".

[8] Registrum Episcopatus Aberdonensis/Aberdeen Records I (AR), Edinburgh 1845, pp. 106–107. Thomas Sinclair was probably related to Henry Sinclair who was King Robert I's bailiff in Caithness in 1321. See Crawford 1971, pp. 219–23 on the Sinclairs.

[9] *DN* I 404. Cf. Crawford 1971, pp. 172–75. Here Crawford also cites the views of P.A. Munch and J.S. Clouston on the circumstances surrounding the settlement between the bishop and Håkon Jonsson (NF*H* V, 1, p. 96; Clouston 1932, p. 232).

[10] Håkon Jonsson was the son of Jon Havtoresson, who was the son of Havtore Jonsson and King Håkon V's illegitimate daughter Agnes. He had a Swedish mother and, like the rest of his family, belonged to the top stratum of the secular aristocracy in Norway. Håkon Jonsson had to swear in the presence of Queen Margrete, the archbishop, several bishops, and the Council of the Realm that he had never desired to become king of Norway and that he had no right or claim to the kingdom when Margrete was elected Norwegian regent in February 1388 (*DN* III 478). Håkon was, among other things, councillor, sheriff of Råbyggelaget in southeastern Norway, and treasurer and governor (*hirðstjóri*) in Bergen. He also pursued trade in Iceland (Edvard Bull, "Haakon Jonsson", NB*L* 1, V, 1935, pp. 172–73; Helle 1982, p. 827).

in modern research.[11] It is obvious from the content of the agreement that Håkon could prosecute and police, that he exercised executive authority, and that he was responsible for the king's revenue in both Orkney and Shetland—typical duties of a sheriff. It is also clear that he had representatives to take care of the more practical and physical sides of the office. Six years later the king's sheriff of Orkney was also governor in the same place and the eldest heir to the earldom.[12] Since Håkon's office also comprised Shetland, it is possible that he was more than just sheriff. The agreement itself may suggest that he had powers over and above what was normal for a sheriff.

Håkon was in Orkney when the agreement was concluded, but it is clear that his representatives had been very active in the conflicts with the bishop and his men. We therefore do not know whether he was permanently residing in his district. In view of the landed property and position that Håkon had in Norway, it is doubtful whether this was the case. Håkon was responsible for the money the bishop was to pay back to the king, and it thus seems as if Håkon held the islands as a fief on account. Shetland and Orkney may possibly have been amalgamated into one administrative district as part of the rationalization of the administration in Norway, but it is also possible that Håkon had two separate districts. In any case, the amalgamation was not permanent. Shetland and Orkney were administratively separate both before and after 1369.

In 1375 Alexander de Ard was appointed King Håkon VI Magnusson's governor, guardian, and sheriff ("høfwdzmanne", "gøimara", and "syslomanne").[13] He was the oldest heir to the earldom, and his

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[11] Clouston, *REO*, p. 15 (governor); Crawford 1971, pp. 172–5 (sysselmann); Imsen 2000, p. 176 (sysselmann and governor), Thomson 2001, p. 155 (sysselmann).

[12] *DN* II 438.

[13] We have many official titles for Alexander because both his charter of enfeoffment (*DN* II 437) and the king's proclamation announcing his appointment to the men of Orkney (*DN* II 438) are preserved. These two documents show in full the challenges associated with the use of Latin designations for the Norwegian king's officials. In Latin Alexander is termed "procuratorem capitaneum et custodem" (*DN* II 437), and in Norse "høfwdzmanne gøimara ok rettom syslomanne" (*DN* II 438). In *REO* "procuratorem" is translated as "lieutenant", "capitaneum" as "captain", and "custodem" as "keeper". Procurator can also refer to a provincial governor in the Middle Ages, someone appointed by an overlord to exercise political and military power over a territory (*REO* IX; Webster's College Dictionary, New York 1999, p. 1052). In *RN* VII 495 "procuratorem" is translated as "høvedsmann" (governor) and "custodem" as "vokter" (guardian); "capitaneum" is not translated there. In English "høfwdzmanne", "gøimara", and "syslomanne" are translated as "officer", "keeper", and "steward".

appointment presumably came because King Håkon had plans to make Alexander earl subsequently. In his information to the Orcadians about the appointment, however, the king stresses that Alexander was not to be anything more than sheriff.[14]

Alexander was to hold the fief on account. In his charter of enfeoffment, it is specified that he was to come to Bergen after one year and present the accounts to the king's man there. Bergen was thus still a kind of capital for the tributary lands. Alexander nevertheless kept a larger share of the revenue than had been usual for sheriffs earlier in the fourteenth century. He was supposed to have half of all the revenues from the earldom and all the fines with a few exceptions. In practice there was not necessarily such a great difference between holding a fief on account and on lease.[15] Alexander thus finally obtained part of the revenue which his guardian had tried to procure in 1357. Together with his men, Alexander was to perform the ordinary duties of sheriff. They were to maintain law and order and defend the earldom if necessary. What did the title of governor (*hǫfuðsmaðr*) mean in this context?

The designation *hǫfuðsmaðr*, (lit. "chief man") here translated as "governor", was originally used of the senior commander, for example, on a ship or in a castle. From the fifteenth century it was the title of the king's chief official, in Bergen and the other towns. Even before 1350 there were tendencies towards an amalgamation of the offices of sheriff and treasurer in Bergen. After 1350 one and the same man acted as sheriff, treasurer, and commander in the Norwegian towns, and he was sometimes described as *hirðstjóri* too. The governors were both sheriffs and treasurers, and they became the senior officials in provincial administration. They managed the most important fiefs in the kingdom and were also supreme military commanders. The office

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"Steward" is also used for the seneschal in the *REO* translation of the 1312 agreement (*REO* I), and was moreover the English title of the head of the Scottish king's household, who was known in Latin as "senecallus". In addition, Alexander is called "ballivus" and "capitaneus" in a genealogy of the Orkney earls from 1443 (*DN* XX 833).

[14] *DN* II 438.

[15] *DN* II 437. The king's message to the people of Orkney has a somewhat different wording about the revenue Alexander was to have: "We have decreed and handed to the honourable Alexander de le Ard our land here with you, with all the portions and emoluments ("lutum ok lunnendom") belonging to the kingdom and the earldom" (*DN* II 438). On sheriffs and fiefholders (*lensherrer*), see Imsen 2000, pp. 170–71.

of governor was thus a result of the expansion of national administration in the fourteenth century.[16]

The governor of Orkney was a superior royal official, but Alexander does not seem to have had any sheriffs under him in 1375. He was able to choose his own agents, it is true, but these were probably sub-sheriffs or local representatives who may have resembled the Norwegian sheriffs' agents. The proclamation from the king to the Orcadians emphasizes Alexander's military duties, and this may explain why he was called *hǫfuðsmaðr*. We should not forget that Orkney was a borderland. The military aspect of the government of Orkney is also specifically mentioned in the appointment of Henry Sinclair as earl in 1379. Although we cannot give any satisfactory explanation why Alexander was governor in 1375, the office nevertheless shows that the administrative apparatus in Orkney was affected by administrative changes in Norway, and that Orkney was governed like the larger Norwegian fiefs until 1379. We have no information about how Alexander acted in his position of governor and sheriff. He did not become earl, however. Nor do we know why King Håkon did not renew his trust in him, but it seems as if one of Alexander's rivals to the earldom paid him enough to make him renounce his hereditary demand.[17]

Orkney was still one judicial district in this period. While we cannot know for sure whether the lawmen in the 1320s and 1330s were Orcadians or Norwegians, we can say that the Orkney lawman had a clear local affiliation later in the Middle Ages. The seal of the Orkney commune was used in a letter the Orcadians sent to the king in 1357. The lawman kept the seal at the start of the fifteenth century. It is therefore reasonable to assume that the lawman was part of the local community in 1357, and that, like his colleagues in Iceland, he was deeply involved in local public matters.[18]

In the king's proclamation to the Orcadians about the appointment of Alexander de Ard they were urged to support and accompany the sheriff and his men in their activities.[19] The lawman was undoubtedly an official with a local foundation who cannot be placed in the same

[16] Helle 1982, pp. 82–85.

[17] See below on the appointment of Henry Sinclair.

[18] *DN* II 619; *REO* XVIII [1424]. See also Imsen 1994, pp. 261–64 on the lawmen's role in Orkney and their local attachments.

[19] *DN* II 438; "Swa biodhum ver ok tiitnemfndom Alexandro ok hans vmbodes monnum at tala logh ok rettynde till hwers manz. þo med wægh ok miskun þer sem þet høfuer." Cf. Imsen 2000, p. 171, n. 20.

category as the sheriff. If we assume that the situation early in the fifteenth century gives a representative picture of local public life in Orkney a few decades earlier, then the lawman was primarily on the side of the common people and the local elite in their conflict with the sheriff.

There seem to have been liegemen in Orkney when Alexander was appointed. There were at any rate liegemen and knights in the islands both at the end of the fourteenth century and early in the fifteenth century. In 1438 there was even an assembly of hirdmen, held at Kirkwall, where the earl, the lawman, the bailiff of Kirkwall and the "best men" of the land gathered.[20] At the end of the fourteenth century it became more common for lawrightmen to acquire a more central role in local administration in Norway, and we also encounter them in Orkney, where they were called *lavrikemenn* in Scottish-Norse terminology.[21]

The few glimpses we have of the king's administrative apparatus in Orkney in the period from 1350 to 1379 shows that it was the king's men, not the earl, who managed the king's interests in Orkney during this period because there was no earl in the earldom. In this sense the government of the islands reflects development elsewhere in the kingdom. The major reorganization of government, however, would not come until 1379.

Local public life

Duncan Anderson addressed his letter about the revenue of the earldom both to the Orcadians and to the Norwegian king's representatives in the islands. We do not know how or in what connection the Orcadians received the letter, but in 1357 they sent a letter about the matter to the two kings, Magnus Eriksson and Håkon Magnusson, in which they repeated the contents of Anderson's letter and asked the kings for advice. In their appeal to the kings the writers call themselves "communitas vestra Orkandensis", and the letter was sealed with the commune's own seal.[22]

The Icelanders sent petitions to the king on their own initiative, but also with the support of the king's men. The Orcadians also seem to

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[20] *DN* II 691, VI 423; *DHO*, no. 26, p. 41 (1422), no. 27, p. 45 (1438).

[21] Imsen 1990, p. 144; Imsen 1994, p. 265.

[22] "Sub sigillo nostro comuni" (*DN* II 337). See ch. 6, Shetland, on the lawthing seal, and Imsen 1994, pp. 257–61 on the Orkney commune.

have turned to the king on their own initiative, but even if the king's local representatives are not visible in the letter, we must assume that at least the lawman was involved, since it was he who held the communal seal in the fifteenth century. The seal was also used when the lawman, two canons, and four men of Kirkwall issued travel documents to a local magnate in 1422. The seal symbolized the 'commune' and the common people and their opposition to the sheriff to such an extent that it was confiscated by the sheriff in the 1420s.[23]

Certain aspects of the government of Orkney suggest that the sheriff—in contrast to the lawman—was not a part of the local community. The sheriffs often came from outside, and we have no examples of them operating together or in direct consensus with the local population as the lawman did.[24] Håkon Jonsson's conflict with Bishop William was resolved with the aid of a local tribunal in Orkney in 1369. The settlement, or rather the verdict of the arbitration, was a result of intervention by the local community, represented by the "best men", against the bishop and sheriff. Håkon was an active participant in public life in Orkney as the king's man; however, he stood above and outside the community. Perhaps Thomas Sinclair did so too, but unlike Håkon Jonsson he had strong personal ties to Orkney. In 1364 Thomas witnessed a property transaction in Kirkwall.[25]

The Orkney commune, headed by the lawman, probably took the initiative for the settlement between Bishop William and Håkon Jonsson in 1369.[26] The twenty-four named members of the tribunal give a picture of who constituted the Orkney commune, and who dominated the local public sphere in Orkney. Among them were several senior clerics and priests, including the archdeacon of Shetland, William of Bucchan. The framework for the settlement thus cannot have been the lawthing, as William P. L. Thomson says, but a twenty-four-man tribunal appointed exclusively to judge in the dispute between the bishop and the sheriff.[27] Among the laymen we find Henrik Vilhelmsson. Both he and the archdeacon of Shetland were witnesses to a property purchase

[23] *DN* II 619; *REO* XVIII [1424].
[24] In the 1420s the Orcadians—the lawman, the common people, and the best men—were all in open conflict with the sheriff (Imsen 1994, pp. 260–61; Thomson 2001, pp. 173–77).
[25] AR I, pp. 106–107. See Crawford 1971, pp. 172, 219–21 on Thomas Sinclair.
[26] Crawford 1971, pp. 172–75.
[27] Thomson 2001, pp. 155–56.

by Herdis Torvaldsdotter in Shetland in 1360, as "good men".[28] Herdis was daughter of the former sheriff of Shetland, Torvald Toresson. "William Eruin" (Irving), "Thomas Arland" (Ireland), and "Sigurd of Pappley" (Paplay), who were also assessors in 1369, belonged to the local elite.[29] They therefore belonged to the stratum that we have seen as recruits to royal offices in Iceland before 1350. A Jon Sinclair was also an assessor. He probably belonged to the same family as Thomas Sinclair and was thus descended from Scottish aristocracy.[30]

The bishop and the most powerful men in Orkney and Shetland took it for granted that they should have a part to play in the government of the island communities. In the 1369 settlement there was a stipulation that they should be "foremost in all the councils concerning the king, the church, and the common people, according to law and the custom of the land".[31] In addition, the bishop was to have good native men from Orkney and Shetland in his service, as bishops had in the other parts of the Norwegian king's realm. Both J. S. Clouston and W. P. L. Thomson regard this stipulation about the most powerful men as a reduction of the sheriff's power in favour of greater local self-government. Barbara E. Crawford, however, regards this clause as an example of the Orcadians exploiting the occasion to ensure that Scots would not dominate in the bishop's and the sheriff's service.[32]

In 1231, Hånev the Young, a representative of the local aristocracy, was sheriff of Orkney, but he is the only man from this elite that we can securely connect to the office of sheriff. Thomas Sinclair and Alexander de Ard primarily belonged to the Scottish aristocracy, while Håkon Jonsson was Norwegian, and he came from the same class that provided recruits for sheriffdoms in Norway who were also given sheriffdoms in Orkney, that is, the aristocracy associated with the Council of the Realm or men of comparable rank. The Orkney elite therefore did not have the same control of the government of the island com-

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[28] *DN* III 310.

[29] *REO*, pp. 454, 452, 461.

[30] On the Sinclairs see Crawford 1971, pp. 217–23. The other laymen were "Fergus of Rosc, Jon of Orkney, Willialmr Stormr, Jon of Boduel, Jon Robertson, Adam af Mwre, Gudbrandr Andrsson, Patrikr Kaldar, Dunkan of Karmkors, Bube Skinner, Jon of Dunray, Olaue skutt" (*SD* 12). The majority of these names are Scottish and several of them indicate a north Scottish origin.

[31] "þat herra biscup ok hin rikest men j Orkneyum ok Hiatlanð skullu frist ok fremst j ollum rað vera hedan af. þat sem vardar koninghenum kyrkiune ok almughanum epptir loghum ok landzsidum" *DN* I 404; *RN* VI 1366 (Norwegian translation).

[32] Clouston 1932, p. 232; Crawford 1971, p. 175; Thomson 2001, pp. 156–57.

munity as the local elite in Iceland had. The reason may have been that the Icelandic sheriffdoms were not very attractive to members of the Norwegian aristocracy. It is also possible that the Orkney aristocracy may not have been as skilful in assuring their own interests as the Icelanders. The local magnates evidently wanted to secure their influence *vis-à-vis* both church and king in 1369, and by "native men" they probably meant men from Orkney and Shetland. In the fifteenth century native men received fiefs in Orkney.[33] At that time the lawmen were also recruited internally in both Orkney and Shetland.[34]

Several letters from the fifteenth century confirm that the chieftains' descendants dominated local public life in Orkney, and that the lawman belonged to this class. In 1422 the lawman, two canons of St Magnus Cathedral, and four men of Kirkwall issued travel documents to James of Cragy. The four citizens of Kirkwall were Jon Magnusson, Vilhelm of Irving, Peter of Papley, and Walter Andresson. Vilhelm may have been "William Eruin" who acted as an assessor in 1369, although it is more likely that the 1422 Vilhelm was one of his descendants. Peter belonged to the local elite.[35] They certified that James of Cragy was the Norwegian king's hirdman, residing in Orkney and married to Margaret, daughter of Earl Henry I Sinclair. Among James's many virtues they emphasized that he was a capable pillar of the community (*communitas*).[36] A man who was married into the earl's family was thus considered to be a member of the Orkney community. Several letters from the 1420s also confirm that the 'commune' consisted of the most powerful men in Orkney, including several members of the earl's family.[37] Yet the position of sheriff was still reserved for men

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[33] The bishop of Orkney, Thomas Tulloch, received the earldom in fief in 1422 (*DN* II 670). See Thomson 2001, pp. 175–77.

[34] John of Kirkness was lawman some time before 1438 and Henrik Rendall was lawman in 1438 (*REO* XXI). Vilhelm Torgilsson was lawman in 1422 (*DN* II 691), and during the fifteenth century we again find most of the lawmen in *REO*'s genealogies of the families of local councillors, many of whom descend from the chieftains (*REO*, pp. 435–470). Lawman Vilhelm Torgilsson, *DN* XX 754 and *DOH*, p. 43 (English translation) (1422). In the fifteenth century the office of lawman in Orkney was inherited for a period in the Cragy family (*REO*, p. 436). See also Imsen 1994 p. 265, n. 27 on the Cragy family. For Shetland see below.

[35] *REO*, pp. 454, 461.

[36] *DN* XX 754, *DOH*, p. 43 (English translation).

[37] *DN* II 691 [1424]. Thomas Sinclair belonged to the earl's family; he was nephew of Earl Henry I Sinclair and of James of Cragy's wife. In 1434 Thomas was a squire (*REO* XX). See also *DN* VI 423: "Willelm Irving Willem i Hedal, Alexander af Suderland, Willem Flet, Adam af Næsta gard, Cristi i Ællingeklat oc marghe andre

who were even higher up in the social hierarchy, preferably recruited from outside.

There seem to have been liegemen in Orkney in 1375. Furthermore, James of Cragy was a hirdman in 1422, and an assembly of hirdmen was held in 1438.[38] In 1391 Earl Henry I Sinclair of Orkney donated properties in Scotland to his brother. The deed was drawn up in Kirkwall, with several knights among the witnesses. Some of them can be linked to Shetland and Orkney through other sources and names, and we can link them to the local aristocracy and to Scotland, as well. The same applies to the witnesses who had the rank of knight. I therefore choose—cautiously—to assume that the knights had received the dignity from the Norwegian king because they were permanent residents of the islands, even though some of them were probably Scots and may have been knighted by the king of Scotland.[39] Apart from Malise Sperra, a local magnate and cousin of Earl Henry I, however, we know of no knights in Orkney before 1391. Malise seems to have been knighted some time between 1386 and 1389, most likely in connection with the acceptance of Erik as heir to the Norwegian crown in 1389.[40] It is also possible that the knights who are named in the letter of 1391 may have been present when Erik came to Norway, and that they had been knighted at the same time as Malise. Compared with Norway and Iceland, then, Orkney seems like a relatively aristocratic society at the end of the fourteenth century, and quite unique among the tributary lands. However, we find no knights among the "good men" in Orkney

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godhe mæn i landit badhe preste oc lekmæn." On these men's family background, see *REO*, pp. 422, 436, 454, 457, 458, 461, 469.

[38] *REO* XVI, XXX.

[39] *DN* II 525: Thomas of Kirkness, Jon Punkyne, Michael of Westerey, and Håkon were knights. In addition Richard of St. Clair, Thomas of Laysk, Alexander of Claphame, and Thomas of Leth were witnesses. Crawford suggests that Thomas of Kirkness was a Shetlander (Crawford 1971, p. 237, n. 2). Thomas's descendants, however, lived in Orkney after 1391 and were part of the local aristocracy (*REO*, p. 456). Crawford argues that Simon of Papey was probably the tenant of the Norwegian crown estate on Papa Stour, Shetland. Alexander Claphame was given the greater part of Shetland in fief in 1412 (*DN* II 623) and was probably originally Scottish, belonging to a family in Fife (Barbara E. Crawford, "The Pledging of the Islands in 1469: The Historical Background", in Donald J. Withrington (ed.), Shetland and the Outside World 1469–1969, Oxford 1983, p. 40). Clouston has not identified the others, but both the forename and the place-name indicate that very many of them belonged to the local aristocracy in Orkney (*REO*, pp. 435–70). Crawford also refers to older research where the knight Håkon has predictably enough been identified as Håkon Jonsson. Håkon Jonsson, however, was never knighted.

[40] *DN* XVIII 34. See also *RN* VII 1529.

after 1391. This may mean that we are in the process of acquiring a separate aristocracy associated with the new Sinclair earls.

The Orkney community was thus dominated by local elite with distinct aristocratic features. However, we cannot achieve a full grasp of the government of Orkney without including the Earl of Orkney.

The revitalization of the earldom

In 1379 Orkney acquired an earl again. With Henry Sinclair a new dynasty of earls came to the islands, and with the exception of the years of William Sinclair's minority, the Sinclairs occupied the earldom until 1470, when it was acquired by the king of Scotland through an exchange of property. The central question in connection with the appointment of Henry is whether it should be interpreted as a sign of weakness in the Norwegian crown, yet another indication of Norwegian powerlessness, or if the appointment should rather be regarded as a result of administrative development in the kingdom in the latter half of the fourteenth century.

Earl Malise's grandsons and heirs—Alexander de Ard, Henry Sinclair, and Malise Sperra—probably did not come of age until the 1350s or 1360s. Equal claims to inheritance always create challenges.[41] Even though we do not have so much information about this period, it appears that there was some form of rivalry between the three around 1379. King Håkon VI seems to have preferred Alexander. In his proclamation to the Orcadians in 1375 he specified that Alexander had not been appointed earl, and the following year he would have to present documentation to the king proving his right to inherit the earldom.[42] We can see that the proclamation was chiefly aimed at the leaders of the Orkney community: the lawman and the other "good men". We do not know for sure why Alexander did not become earl, but he was probably bought out or pressured to renounce his claim by Henry Sinclair and his supporters.

The relationship between the heirs to the earldom was not good, and the rivalry between them was perceived as a threat by King Håkon. When Henry Sinclair was appointed earl in 1379, the king imposed the

[41] In contrast to the custom in Scotland, it was not the eldest son or grandson who had a prior claim to the inheritance of the Orkney earldom. See Crawford 1971, pp. 131–33; Thomson 2001, pp. 157–58 on Malise's heirs and their rivalry.

[42] *DN* II 438.

condition that he should acquire guarantees from his cousins that they abandon all claims to the earldom.[43] Alexander and Henry had probably reached agreement before 1379, for Henry Sinclair seems to have emerged victorious from the contest with the aid of his supporters in the Scottish aristocracy. The relationship with Malise Sperra, however, remained problematic, although Malise was one of Henry's witnesses when he was appointed in 1379. Malise stayed on in Norway as one of several hostages that Henry had to leave with the king as a guarantee before he had fulfilled all the conditions the king had imposed for his appointment.

At the end of the 1380s relations between Malise and Henry became hostile, presumably because of disagreement about landed property. In 1387 Malise had to submit to the earl in a settlement that was brokered in Scotland.[44] Two years later, however, they were both present in Helsingborg in Sweden when the Norwegian councillors confirmed King Erik's right to the Norwegian throne. Malise was the only knight among the councillors.[45] Shortly afterwards he was killed by the earl's men in Shetland.[46]

J. S. Clouston thinks that Håkon Jonsson failed in his government of Orkney in the period 1353 to 1379, which is refuted, however, by Barbara E. Crawford, who also suggests that King Magnus Eriksson's need for resources may have been one reason why no earl was appointed before 1379.[47] We shall now see that the appointment of Henry can also be viewed in connection with the development of the government of the kingdom towards the end of the fourteenth century.[48]

While Crawford mainly describes Henry Sinclair as an earl of the traditional type, Steinar Imsen argues that Henry should instead be perceived as a governor (*høfuðsmaðr*) with the title of earl. There are

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[43] *DN* II 459.

[44] See Crawford 1971, pp. 233–36 on the relationship between Malise and Henry.

[45] *DN* XVIII 34. Henry Sinclair was also one of the witnesses to the draft of the letter about the succession (*DN* III 484).

[46] *IA*, p. 284 (1389), 367 (1391).

[47] Clouston 1932, p. 232; Crawford 1971, p. 175, n. 3, 176.

[48] *DN* II 459. Grethe A. Blom describes the situation and the charter of enfeoffment as follows: "At the end of his reign the situation in Orkney was such that King Håkon saw a chance to take advantage of his position as overlord of the island earl. After King Magnus's old adviser, the titular earl Erengisle Sunesson, was dead, the Scottish scion Henry Sinclair was victorious in the contest for lordship of the islands" (Blom 1992, p. 480, Engl. transl. A. Crozier). Blom's explanation is untenable, however; Erengisle Sunesson did not die until 1392.

indeed great similarities between Earl Henry and the sheriffs and fiefholders of the kingdom, at least if we look at the appointment document and the role the earl seem to have been envisaged as playing in the government of the fief.[49] In support of his view, Imsen points out the similarities between the conditions that applied to Alexander de Ard as governor and sheriff in 1375 and those applying to Henry as earl four years later.[50] Imsen thus views the appointment of Earl Henry as a part of the administrative reorganization that took place in Norway in the latter half of the fourteenth century.

In the earl's charter of enfeoffment the terms are listed; to be appointed, Henry Sinclair had to satisfy several conditions in addition to paying homage and swearing his loyalty.[51] First of all, he was to pay 1,000 nobles in English coin to the king. This was probably a fee for the fief.[52] If so, he was paying a tributary fee as the earls had done in the twelfth century. The fact that the earldom, in the event of the earl's death, would revert to the king, the king's heirs or successors, also shows that this was an enfeoffment. The charter of 1379 also emphasizes that whichever of the earl's sons so wished should ask the king or his successors for consent to take over the earldom after his father. The right of inheritance was thus a right to be appointed and authorized, not an automatic right to assume the earldom. This goes hand in hand with the transformation of the earl from a more or less independent prince to a fiefholder with a position corresponding to that of a count (*comes*), the title the earl of Orkney is given in Latin sources from the British Isles. Moreover, there does not seem to have been any ordering of the heirs according to primogeniture or the like at this point. As overlord, the king was free to appoint whomever he wished, to choose the claimant he thought most desirable.

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[49] Crawford 1971, pp. 163–88, 224, Imsen 2000, pp. 169–70.

[50] Imsen, ibid.

[51] See *RN* VII 813 for a Norwegian translation of Earl Henry's charter of enfeoffment (*DN* II 459) and Crawford's analysis of this charter (1971, pp. 183–89).

[52] Crawford suggests that the money was a repayment of the annual fee that the Scots, according to the Treaty of Perth, had to pay for Man and the Hebrides, which was to be kept in Orkney before being brought to Norway (Crawford 1971, p. 228–32). Earl Henry seems to have had problems raising such a sum; he borrowed money from Håkon Jonsson on the same day as his charter was issued (*DN* I 458). See also *DN* II 515 on Henry's debt to Håkon. Earl Henry was to pay the instalments in St. Magnus Church in Tingwall in Shetland, where Håkon Jonsson probably had agents to handle his local interests because he had property in that tributary land.

Henry's charter contains no information about what kind of revenues the earl would receive from the fief. Since the earl paid a fee for his fief, however, we may assume that all the revenue from Orkney went to the earl, as was the case with the leasehold governors in Iceland and the fiefholders in Norway. The fee was probably stipulated in relation to the revenue from the earldom in some way or another. The earl, however, had to abstain from land and rights that the king and his ancestors had reserved for themselves. Like fiefholders elsewhere in the kingdom, the earl himself was able to choose his agents. But since the king also had revenue from Orkney, he probably also had agents present, either permanently or *ad hoc*.

The earl's charter does not refer to any previous regulation of the relationship between the king and the earl of Orkney, but the contents reflect, by and large, the provisions of the chapter in *Hirðskrá* about earls, and the law and custom since 1195.[53] This applies, among other things, to the rules about the earl's military duties and the fact that the earl was prohibited from disposing of or pawning any territory of the earldom without the consent of the king or his successors.

The charter also contains more specific conditions about the current situation. Henry had to promise to assist the king in the conflict with Bishop William IV of Orkney, with whom the king and his officials had long been at loggerheads.[54] In addition, Henry had to put in order his relationship with Alexander de Ard and Malise Sperra. To guarantee the fulfilment of these conditions, Henry let four of his friends and kinsmen remain as hostages in Norway. The earl also had to give extra security for his promises with written guarantees from bishops, prelates, earls, and knights in Scotland.

Henry can thus be equated with the sheriffs and fiefholders who held fiefs on lease elsewhere in the kingdom. The earl's status as fiefholder can also explain why the earldom was revitalized in 1379.[55] Yet even if Henry in practice was reduced to a fiefholder, he had the full dignity of an earl. This placed him at the top of the old hird hierarchy, next after the king and the duke in rank. Henry Sinclair was also a member

[53] H, ch. 9–12. See also Imsen, ibid.

[54] The bishop was killed in 1382 (*IA*, p. 282 (1382)). See Crawford 1971, p. 242 on the earl's role in the killing.

[55] P.A. Munch believes that the earl received the earldom as a lifetime fief in 1379 (NF*H* Unionsperioden 2, p. 99). Both Crawford and Imsen agree with this, but emphasize that this was probably in keeping with the situation after 1195 (Crawford 1971, pp. 154–55, 187–88; Imsen 2000, pp. 166–70).

of the Norwegian Council of the Realm and was always named first of the secular magnates in the kingdom.[56] Despite the conditions and the similarity to the king's sheriffs and fiefholders, Earl Henry acted like a traditional earl, not least in his clash with Malise Sperra. Although the earl was to administer the earldom as a fiefholder after 1379, he may have made more out of this than the king had envisaged. Henry's earldom foreshadows a new Orkney principality rooted in Scotland and Scottish politics. This is probably also the explanation for the more aristocratic environment we find in Orkney towards the end of the fourteenth century.

There were thus great changes in the government of Orkney after 1350. Until 1379 the king's officials ruled an earldom without an earl. Whereas the lawman came from the local elite, sheriffs were recruited among the Scottish and Norwegian aristocracy. However, they had to relate to the Orkney community, which consisted of the "good men" of the earldom. These men dominated public life in Orkney, and in 1369 they received confirmation that they had the right to take part in the government of the earldom at the expense of foreign men. The greatest change in the government of Orkney came in 1379 when an earl was appointed again. The earl had close ties to the good men in Orkney and to the Scottish aristocracy. In the fifteenth century there was a close relationship between the Orkney community, that is, the good men of the earldom, and the earl. In 1424 the Orcadians wanted the earl, not the bishop or anyone else, to be governor of Orkney and responsible for the crown's property in the earldom.[57]

Shetland

In 1369 the district of Shetland belonged to Håkon Jonsson. Since Håkon and his family had considerable amounts of landed property in Shetland, this means that a Norwegian-born sheriff had strong private interests in the area he administered. Håkon had agents in Shetland in 1369, 1386, and 1389. Earl Henry Sinclair was able to pay his debt to Håkon's authorized representatives through St. Magnus Church at

[56] *DN* III 484, XVIII 34.
[57] *DN* VI 423.

Tingwall in Shetland according to a debt instrument from 1389.[58] In 1379 Håkon also had an agent in Kirkwall in Orkney.[59]

In 1386 the Norwegian *dróttsæti* Ogmund Finnson sent a letter to the people of Shetland to announce that the property unlawfully seized by Malise Sperra from the estate of the late Herdis Torvaldsdatter, sole heir of Torvald Toresson, belonged to Jon and Sigurd Havtoresons and their descendants, including Håkon Jonsson. Herdis was the niece of the Havtoresons.[60] Following the advice of several members of the Council of the Realm, the *dróttsæti* ordered Malise and his agents to give up the property and also urged the tenants to pay rent only to the rightful owners or their representatives.

There is nothing in the letter to suggest that Malise had seized the property in his capacity as the king's official, or that he was sheriff of Shetland in 1386.[61] Malise Sperra was probably living in Orkney at this time, but it is likely that he had property in Shetland inherited from his father.[62] There are other signs, however, to indicate that Malise may have been in the king's service at the end of the 1380s. Although he did not have the title of knight in 1386, he was both a knight and a councillor three years later.[63] Barbara E. Crawford assumes that he became a councillor because he was sheriff of Shetland. This would explain why he came into conflict with the Earl of Orkney, and why he was in Shetland when he was killed in 1391.[64] Whether or not Malise was sheriff, we see at any rate that Shetland was not administered together with Orkney in the 1380s.

In 1412 the Scot Alexander van Klapam was enfeoffed with the king's estates north of Mavine in Shetland, at a time when the king's "fogota" and "embesmen" (sheriff and officials) still represented the

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[58] *DN* II 515.

[59] *DN* I 458 (1379), 501 (1386).

[60] *DN* I 501. On the inheritance of the estate of Herdis Torvaldsdatter, see Wærdahl 1998, pp. 109–10; Frans-Arne Stylegar and Liv Kjørsvik Schei, "'Lords of Norroway' The Shetland Estate of Herdis Thorvaldsdatter", in Beverley Ballin Smith et al. (eds.), West Over Sea: Studies in Scandinavian Sea-borne Expansion and Settlement before 1300: A Festschrift in Honour of Dr Barbara E. Crawford, The Northern World 31, Leiden 2007, pp. 112–28.

[61] See Crawford 1971, pp. 233–36; Thomson 2001, p. 151 for the conclusion that Malise was sheriff of Shetland. Originally it was P.A. Munch who drew that conclusion (NFH Unionsperioden 2, pp. 99, 258–59).

[62] See Crawford 1971, pp. 36, 234 on Malise's paternal kin and his landed property.

[63] *DN* XVIII 34.

[64] Crawford 1971, pp. 235–37.

king in the islands.[65] Alexander had no doubt come north with Henry Sinclair. In 1418 Jon Sinclair received the whole of Shetland as a fief for his lifetime. Jon was the son of Earl Henry I and brother of Henry II. With this appointment he became the king's liegeman.[66] The Sinclairs established a firm grip on Shetland as well as Orkney, and as in Orkney the office of sheriff and enfeoffments were reserved for members of the Scottish and Norwegian aristocracy. As in Norway and Iceland, there were both fiefs on account and fiefs on lease around 1400. Development in the rest of the kingdom also affected the government of Shetland.

We have no examples of the king's sheriffs in Shetland taking part in local public life in this period. All the surviving letters concerning local public matters deal with Herdis Torvaldsdatter and her properties and revenues in Shetland. In 1355 Herdis herself, and her private priest, were present at Sande in Shetland when several properties were transferred to her by a local farmer.[67] In the same year a local farmer on Papa Stour made out an instrument of debt to Herdis.[68] Sigvald Halvdanson, parish priest on Papey, was a witness in 1355 and functioned as Herdis's agent in 1360, when she bought a farm on Unst. Håkon Jonsson also seems to have used a priest as his agent in Shetland.[69] Among the witnesses in 1360 was Hallstein Torsteinsson, lawman of Shetland, and in the three letters the same witnesses occur several times.[70] Two of the lawman's co-witnesses in 1360, Archdeacon Vilhelm Jonsson and Henrik Vilhelmsson, were

[65] *DN* II 623. Alexander was a Scot and, as we have seen, one of the witnesses when Earl Henry donated property to his brother in 1391 (*DN* II 525, Crawford 1983, p. 40). The fief would give Alexander ten "pure" marks annually in tax, rents, and "wesel" (right to food and lodging) with all royal dues excepting "þing gield" and "fridkoup". In addition, the king forbade all men, bailiffs, and officials to prevent Alexander from taking what he was supposed to have.

[66] *DN* II 647: "homagialis dilecti et vasalli fidelis." Cf. Crawford 1971, pp. 248–49.

[67] *DN* III 284. The witnesses to the transfer were Sigvald Halvdanson, priest on Papey, Erlend Sigurdson from Kallbak, Sigurd kuldr, Harald of Sande, Bjørn of Sætre, Håkon Einarson.

[68] *DN* I 340 (1355, for the dating see *SD* 10), III 310 (1360). In *DN* III 340 Tomas Simonsson, Håkon Einarson, and Bjørn Øyvindson were witnesses. Herdis was not present on this occasion.

[69] *DN* II 515, III 284.

[70] *DN* III 310. Other witnesses in 1360 were Vilhelm Jonson, archdeacon of Shetland, Henrik Vilhelmson, Gudbrand Sveinsson, Bjørn Øyvindsson, and Gyrd Rolfsson. Håkon Einarson was a witness in both letters from 1355 and Bjørn Eyvindson in 1355 and 1360.

"good men" who judged the case between Bishop William and Håkon Jonsson in Kirkwall in 1369.[71] The stipulation in the 1369 agreement that the most powerful men should take part in the government also applied to Shetland. Here too the local lawman was recruited from the local elite, a group of men who obviously had close dealings with one of the biggest landowners in the land. Even though the good men of Shetland were no longer recruited to the office of sheriff, there is little doubt that Håkon Jonsson's agents came from this class.

In 1405 the parish priest of Jali (Yell) in Shetland, the lawman Svein Markusson, and the lawrightman Jon Haraldsson testified that a local woman could have control of her own property.[72] Again we see that the lawman participates in local public matters along with a priest, besides which lawrightmen appeared as local representatives in Shetland. This suggests that the local institution of lawrightmen, which was now expanding vigorously in the Norwegian local public sphere, was also gaining a foothold in the western islands.[73]

In the case of Shetland, it seems as if the switch to government by fiefholder did not occur until after 1400. Here too there was initially a mixture of fiefs on lease and fiefs on account. Before that time Shetland was like any Norwegian sheriffdom. The sheriffs enjoyed high rank and belonged to the national aristocracy. But otherwise, as in Orkney, it was the local "good men" who dominated public life and were recruited to the office of lawman. They were even involved in the settlement between Bishop William and Håkon Jonsson in 1369.

The Faroes

We have just a few details of the government of the Faroes in the fourteenth century. In 1388 an Icelander disappeared in mysterious circumstances in the islands. The local sheriff, Greip Ivarsson, confiscated the Icelander's property and claimed it on behalf of the king after a lawsuit and a ruling.[74] Greip was a Norwegian who had the district of the Faroes until about 1399. He resided in his district in 1388, but he also spent a good deal of time in Norway, where in 1399

[71] *DN* I 404.
[72] *DN* I 606.
[73] Imsen 1994, p. 265.
[74] *IA*, p. 415 (1388).

he bought a ship in which to sail to the Faroes. The ship was to be paid for with Faroese homespun when it came from the Faroes. Until then Greip pawned some landed property. The homespun was undoubtedly Greip's revenue from the Faroes. He may have held the Faroes as a fief on lease, since the revenue was sufficient to allow him to buy a ship in Norway.[75]

In 1407 the administrative structure of the Faroes was changed. Tormod Andresson was then sheriff of Suðuroy, and the Faroes were presumably divided into several smaller administrative districts.[76] Tormod seems to have had local connections since he was one of four men who witnessed the transcription of all the letters in a local dispute over inheritance.[77]

In a letter of witness from 1403 three men declare that they were present when a letter was read to a man informing him that he had lost some landed property in a judgement.[78] We do not know whether the king's local officials had been involved in the case, but it was probably settled by a panel of assessors. The sources first record a named Faroese lawman in 1412, when the bishop of the Faroes declared that he had reached an agreement with the lawman Harald Kalvsson about some properties that one of the church's men had pawned without leave. As in Orkney and Shetland, the lawman of the Faroes acted as a member of the local community.[79]

In 1404 the lawrightmen on Sandoy were witnesses in a case about succession.[80] From the latter half of the fourteenth century onwards, the lawrightman was a central figure in local public life in Norway. Whereas the designation had previously been used for the men serving on the judicial court of the lawthing, the law court, it was now applied to men who had local duties and positions of trust. In Norway the leading men of a locality often had the title of lawrightman, and from the start of the fifteenth century it is clear that the title brought social

[75] *IA*, p. 415; *DN* II 559.

[76] *DN* I 611. On the division of the Faroes into sheriffdoms after 1400, see Debes 1995, p. 43. In the fifteenth century the sheriffs in the Faroes became "farmer sheriffs" with a position and duties corresponding to those of the Norwegian *bondelensmenn* 'farmer's agents'). See e.g. Imsen 1990, p. 167.

[77] *DN* I 611.

[78] *DN* I 589.

[79] *DN* II 626. The lawman's heirs were present at the settlement.

[80] *DN* I 592.

prestige.[81] Around 1400 the Faroese lawthing set new rates to be paid by the different local assembly districts for those who travelled to the lawthing.[82]

Up until 1400 the sheriff was recruited from the Norwegian aristocracy, and as in the two southernmost tributary lands the sheriff himself resided in his district and performed tasks on behalf of the king. In the Faroes too, the lawman had a local foundation. We have too little information to draw any far-reaching conclusions about public life in the Faroes, but both the sheriff and the lawman took part. As regards the men who were appointed as lawman and lawrightmen and those who acted together with the king's men, we can only conclude that the system was characterized by cooperation between clergy and laymen, and that two of those who acted as witnesses along with the sheriff in 1407 seem to have been father and son.[83] The government of the Faroes and its local society reflects the situation in Norway, Shetland, and Orkney, with the same administrative development as in Shetland. It is interesting that the islands in the west, which in political terms are supposed to have drifted away from Norway during the years of the union, followed the Norwegian pattern as regards the development of local public life in the fifteenth century.

Iceland

The leasehold governors

In 1354 there was a reorganization of the government of Iceland. In 1352, when Óláfr Bjarnarson was governor, Ívarr holmr Vigfússon was given the sheriffdom east of the Þjórsá river, covering the whole Eastern Quarter.[84] Two years later Ívarr came to Iceland with a letter from the king stating that he had "leased all of Iceland with taxes and dues for three years and was made governor".[85] No one had previously

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[81] Imsen 1990, pp. 144–45.

[82] *DF* III, p. 27.

[83] Albrikt Simonson and Simon Albriktsson.

[84] *IA*, p. 355. Guðmundr Snorrason also had a sheriffdom at this time (1345–1353, *IA*, pp. 353, 405). In 1351 he and the priest Flosi Jónsson together appointed a twelve-man tribunal to judge on the fishing rights of the Helgafell monastery in a dispute between the monastery and a farmer (*DI* III 18).

[85] *IA*, p. 276 (1354); "leigt allt Island med skottum ok skylldum vm .iij. aar. ok var skipadr hirdstiore."

paid the king a lease or a fee to hold a fief in Iceland. Ívarr was the first of the so-called "leasehold governors", and from 1354 to 1364 from one to four men held all or part of Iceland as a fief on lease at the same time as they were governors.[86]

Both governors and sheriffs had had sheriffdoms before 1354.[87] Since the leasing of sheriffdoms or fiefs is not mentioned in the sources before 1354, the king's men had probably had their sheriffdoms on account before that. In 1354 all the revenue was to go to Ívarr Vigfússon. This is likely to have included both tax and the king's regular revenue, and possibly rents for the king's properties in Iceland. The reorganization led to extensive changes in the government of Iceland. Until 1354 one governor, several sheriffs, and two lawmen had been the king's local representatives, but from 1354 to 1368 there is no record of the designation sheriff in the sources.[88] We have seen that Axel Kristinsson envisages the governors as having taken over the sheriffs' tasks in the 1340s, with the sheriffs gradually being reduced to agents of the governors. There was presumably no need for sheriffs as long as there was one governor in each quarter, and like the fiefholders and sheriffs in Norway, the leasehold governors themselves probably chose their own agents. Yet it is not very likely that they were called sheriffs, since it was the governors who held the fiefs. In both the annals and the diplomas, moreover, the designation *sýsla* is used of the governors' fiefs in

[86] *IA*, p. 276, 356, 405 (1354, Ívarr Vigfússon); 277, 357, 406 (1358, Árni Þórðarson, Andrés Gíslason, Þorsteinn Eyjólfsson, Jón Guttormsson); 225, 278, 407 (1360/61, Smid Andresson); 227 (1364, Þorsteinn Eyjólfsson and Óláfr Pétrsson). The formula is approximately the same for all the appointed leasehold governors. The annals talk of "rent of the land with tax and dues" or "bought tax and all the king's portions".

[87] Ketill Þorláksson had a sheriffdom (*IA*, p. 346). Grímr Þorsteinsson was given a fief in the Western and Southern Quarters all the way to Helkunduheiði (*IA*, p. 210 (1343)). In 1352 Ívarr Vigfússon received a sheriffdom east of the Þjórsá river and the whole of the Eastern Quarter (*IA*, p. 355).

[88] In 1364 Þorsteinn Eyjólfsson is supposed to have had a sheriffdom and governorship in the south and east, while Óláfr Pétrsson had a sheriffdom and governorship in the north (*IA*, pp. 227, 361, *DI* III 177). In the sources there are possibly sheriffs who did not have governorships from 1366: in this year Ormr Snorrason and Andrés Gíslason, Þorgeirr Egilsson and Magnús Jónsson came to Iceland to rule the whole country, but only Ormr and Andrés appear to have been governors. It is reasonable to assume that the country was divided into four, and that there were two sheriffs in addition to the governors (*IA*, p. 361). In 1368 Skúli Þórðarson came from Norway with a sheriffdom (*IA*, p. 362).

1364 and 1365.[89] The leasehold governors must have had men in their service, but there is no direct trace of them in the sources.

The Quarters were still the basis for the administrative division of Iceland after 1350.[90] From 1358 to 1360 four governors were enfeoffed with one quarter each. From 1354 to 1364 the governorship and fief were merged, but after that sheriffdom and fief were separate. The king may have wished to limit opportunities for abuse of power—not least after the dispute between the governors and the Icelanders from 1360 to 1362.[91] We do not know whether sheriffs and governors were appointed for a fixed term before 1354, only that they received a new charter as sheriff at regular intervals, and that some retained their offices for several decades. The new leasehold governors were appointed by the king for three years at a time.[92] And even if some Icelanders leased parts of the country several times, they were usually replaced after one period. The details in the annals suggest that there was a great demand for the fiefs in Iceland. Candidates for governor went to the king, either alone or several of them together, to lease the country. However, it does not seem as if the fiefs were available or desirable to the Norwegian high aristocracy, who more or less had a monopoly on both fiefs on account and fiefs on lease elsewhere in the kingdom. Just one Norwegian was leasehold governor, and we cannot link him to the Norwegian aristocracy at all.[93]

The reorganization in 1354 led to problems. In 1361 the Norwegian Smid Andresson came to the country as governor of the whole of Iceland. His arrival exacerbated the conflict between two of the former governors, Árni Þórðarson and Jón Guttormsson, and between Jón

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[89] In 1364 Þorsteinn Eyjólfsson was supposed to be sheriff and governor in the south and east, while Óláfr Pétrsson had the same positions in the north (*IA*, p. 361). This is confirmed in *DI* III 177, where we read that Óláfr Pétrsson had "hyrdstiornn ok sýslu nordan lannds". In 1368 Skúli Þórðarson came from Norway to take up a sheriffdom, without being governor (*IA*, p. 362). See also Björn Þorsteinsson and Sigurður Líndal 1978, p. 57.

[90] In 1352 Ívarr's sheriffdom comprised one and a half quarters (*IA*, p. 355). In 1364 Þorsteinn Eyjólfsson and Óláfr Pétrsson were each made governor and sheriff of half the country (*IA*, pp. 227, 361, *DI* III 177).

[91] See below.

[92] Smid Andresson was the last to be appointed for a set number of years (*IA*, p. 278 (1361)).

[93] Smid Andresson was probably a Norwegian and presumably related to the former governor Botolf Andresson. When Botolf's son, the lawman Hrafn, died in 1389/90, he was buried alongside Smid Andresson, his kinsman (*IA*, pp. 284 (1389), 366 (1390), 418 (1391)).

and the people of the Northern Quarter, who had rebelled against him.[94] The conflict shows that there were regional antagonisms in the country. Smid followed up Jón's case against both Árni and the Northerners. Although the officials at the bishopric tried to negotiate between the parties, it ended with Árni Þórðarson being executed on Smid's orders. Smid and Jón were then killed in a battle with the men of Eyjafjörður. Several Northerners had gone to visit the king before the last phase of the conflict. Two of them, Þorsteinn Eyjólfsson and Óláfr Pétrsson, were appointed governors, each of them receiving half of the country as his district. Þorsteinn had been one of four governors in 1358–61; moreover, he was to be lawman in the north and west and was given the task of appointing a lawman for the south and east.[95]

Whereas sheriffdoms/fiefs on lease were first introduced around 1400 in the other tributary lands, the reorganization came to Iceland in 1354. And, again unlike the other tributary lands and Norway, the whole country was leased for a set period. The leasehold governors were fiefholders who held the sheriffdoms/fiefs on the same terms and with the same profit as fiefholders elsewhere in the kingdom in the Late Middle Ages. But no one was enfeoffed with Iceland for life. The governors were constantly replaced, and instability characterizes the whole period with the leasehold governors.

Icelandic historians explain the reorganization in 1354 in terms of King Magnus Eriksson's economic needs after the Black Death had devastated the rest of the kingdom.[96] The change from administration by sheriffs to administration by fiefholders in Norway has not been subjected to extensive study, but Norwegian historians think that the transition to administration by fiefholders had already begun in the reign of Håkon V. However, in Norway there was not a complete change to fiefholder administration in the fourteenth century, although the process gained momentum after 1350.[97] The switch in Iceland therefore cannot be exclusively explained by the king's financial distress, but must also be viewed in the context of processes of change starting before 1350. The reorganization in 1354, however,

[94] *IA*, pp. 225–26, 278, 359, 407–408. See Björn Þorsteinsson and Sigurður Líndal 1978, pp. 56–57 and Björn Þorsteinsson and Guðrún Ása Grímsdóttir 1989, pp. 238–41 on the conflict. Jón was Ketill Þorláksson's brother-in-law (*ÍÁ*, p. 167).

[95] *IA*, pp. 227, 361 (1364).

[96] Axel Kristinsson 1998, p. 140; Björn Þorsteinsson and Guðrún Ása Grímsdóttir 1989, pp. 237, 244.

[97] Imsen 2002, p. 71.

shows more than anything else that the development and needs elsewhere in the kingdom had direct administrative consequences for Iceland, and that it was the needs of the crown, not of the Icelanders, that led to administrative changes.

Sheriffs and governors, fiefs on lease or fiefs on account

The establishment of a fiefholder administration in Iceland had consequences for the composition of the king's administrative apparatus, but only temporarily. From 1365 King Håkon VI Magnusson took control over of his father's realm. If we regard the leasehold governors as an expression of King Magnus Eriksson's acute need for resources in the 1350s and 1360s, it seems that his son had other ideas about how Iceland should be ruled so as to give secure revenues.

After 1364 the words for "lease" and "purchase" no longer occur in connection with the governors. It thus seems as if administration by fiefholders was abandoned when King Håkon VI took over the government of Iceland. The common people of Iceland also preferred governors and sheriffs who had their fiefs on account, and were thus subject to control as regards tax collection, rather than men who held their fiefs on lease.[98] From around 1370 there was no longer any question of the governorship being divided by more than one man, and from 1370 to 1413 there were only six (or seven) governors altogether, all of whom ruled alone. Two of them occupied the office for fifteen and twenty-four years respectively.[99] But did the reorganization around 1370 really lead to a restoration of the old administrative structure with one governor and several sheriffs who all had fiefs on account?

Opinions differ about what happened to fiefholder administration in Iceland. While some scholars think that a "traditional" sheriff administration was reintroduced from 1361, Axel Kristinsson argues

[98] *DI* IX 7. This text poses great challenges for source criticism, partly as regards dating. In *DI* II 189 the text is dated to 1306, whereas in *DI* IX 7 it is redated to 1375. I choose to date it to 1375, chiefly because the text mentions leasing a sheriffdom, which we cannot document in Iceland before 1354. See also Björn Þorsteinsson and Guðrún Ása Grímsdóttir 1989, pp. 243–44.

[99] *IA*, p. 229 (1371, Vigfus Jonsson, who died before he came to Iceland); *IA*, pp. 228, 363, 411 (1370, 1371, Torgaut Jonsson); *IA*, pp. 229, 363, 280, 411–12, 366 (1372, 1373, 1374, 1387, Andrés Sveinsson); *IA*, pp. 414–15 (1387, Þorsteinn Eyjólfsson); *IA*, pp. 283, 365, 366, 415 (1387, 1388, Eiríkr Guðmundarson); *IA*, p. 284, *DI* III 626 (1389–1413, Vigfúss Ívarsson). It seems as if Þorsteinn Eyjólfsson could have been governor for a brief period in 1387 (*IA*, p. 415).

that sheriffdoms continued to be leased. He believes that the sheriffs and *lénsmenn* who were in Iceland after 1364 as a rule held their districts on behalf of the governor, not the king.[100]

The fiefs ruled by the governor and the sheriffs continued to go under the designation *sýsla*.[101] The Icelanders demanded that sheriffs and *lénsmenn* should not lease sheriffdoms in 1375.[102] It is not possible, however, to document any leasing of sheriffdoms after 1364, but in the light of the Icelanders' protests, we may assume that there were still sheriffdoms on lease in Iceland after 1364. We know, however, that the king received revenue from Iceland in 1374, when one of the under-treasurers in Bergen brought royal dues from Iceland. The whole country thus could not have been leased then.[103] In the Faroes and Shetland there were both fiefs on lease and fiefs on account around 1400. This was probably the situation in Iceland too, and governors, sheriffs, and *lénsmenn* could have sheriffdoms.

Axel Kristinsson thinks that the difference between sheriffs and *lénsmenn* was fluid from 1341.[104] He assumes that the governor had the whole country as his district from 1370, and that the governor's office had now been merged with that of the sheriffs. The governor then passed on the authority delegated to him by the king, leasing it to *lénsmenn* or sheriffs.[105] Axel Kristinsson also points out that the *lénsmenn* were the sheriffs' superiors around 1500.[106] However, he does not take

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[100] Björn Þorsteinsson and Sigurður Líndal 1978, p. 57; Björn Þorsteinsson and Guðrún Ása Grímsdóttir 1989, pp. 243–44; Axel Kristinsson 1998, pp. 142–46. Axel Kristinsson, however, does not draw any parallels with the fiefholder administration in Norway or between the leasehold governors and the new type of fiefholders in Norway.

[101] King Håkon's letter was read aloud in every sheriffdom in 1377 (*IA*, p. 281) and a division of sheriffdoms ("sysldeilar mikil") was said to have taken place in Iceland in 1387 (*IA*, p. 283).

[102] *DI* IX 7.

[103] *DN* II 435. The agent, Andrés Gíslason from Mörk, had formerly been governor in Iceland (*IA*, pp. 361 (1366), 410 (1367)). He had been in Iceland to pick up the king's goods as we see emissaries from Norway doing in 1331 and 1335. Andrés was one of three agents, including the king's treasurer in Bergen, who had the authority to sign for receipt of the king's goods in the town. See Einar Bjarnason, "Ættin Gísla bónda", Saga VI, 1968, pp. 95–107 about Andrés Gíslason and his family.

[104] Axel Kristinsson 1998, p. 133, n. 8.

[105] Axel Kristinsson 1998, pp. 142–43. Kristinsson envisages that the governors leased sheriffdoms to fiefholders for a fixed payment in the 1380s. This conclusion is based on interpretations of very sparse and obscure annal records which do not say anything about the leasing of sheriffdoms; it anticipates the situation in the fifteenth and sixteenth centuries.

[106] Axel Kristinsson 1998, pp. 133–34.

into account that there were two different types of *lénsmenn* in the Norse world of the Late Middle Ages; fiefholders, also called lensherrer in Norwegian historiography, and the so-called *bondelensmann*, the 'farmer's agent'. Around 1500 there were probably *lénsmenn* in the sense of fiefholders, and not the sheriffs' agents of old, in Iceland. Nor does Kristinsson bring the governors in Norway in the fourteenth century into his argument.

When it comes to the relationship between governors and sheriffs in Iceland, we know that the sheriffs were still responsible for the king's properties and had the same tasks as before in the local administration of justice as they did after 1370. In 1374, Skúli Þórðarson, former sheriff in Iceland, received crown property as a gift from King Magnus Eriksson. In the donation charter the king forbids the "hirdstiornarmonnum" (the governor's men), the sheriffs, and their agents to deny the recipient this property. Andrés Sveinsson was sole governor at this time, so the term "hirdstiornarmonnum" in plural probably refers to his agents.[107] The governor cannot have assumed the sheriffs' authority if the latter were still responsible for the king's estates. Moreover, the governor had agents of his own both before and after 1397.[108] When it comes to the collection of the king's revenues in Iceland, the sources are silent about the role of the local officials in this period, but early in the fifteenth century the sheriffs still had collecting duties. They also appointed tribunals.[109]

Although there is little information in the sources, then, it seems as if the sheriffs performed the same tasks on behalf of the king after 1370 as before, and their status does not appear to have changed. The sources do not say anything about *lénsmenn* having sheriffdoms as the

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[107] *DI* III 234, 238; *IA*, p. 362. *IA*, pp. 280, 411 (Andrés Sveinsson). Other tasks of a sheriff: The sheriff appointed a jury in 1385 (*IA*, p. 141). In 1385 the sheriff Guðmundr Ormsson and Eiríkr Guðmundarson captured a man. He was later beheaded on the orders of a tribunal nominated by the lawman Ormr Snorrason (*IA*, p. 414). And in 1397 Einarr Dálksson nominated a tribunal (*DI* III 515). According to the regest in *DI* III 515 he was sheriff in Húnavatnsþing. A man was abused in Borgarfjörður by the sheriff Gunnlaugr Magnússon and his attendants in 1399. The sheriff, who had treated the farmers harshly, was beheaded in Reykholt the following year (*IA*, pp. 285–86).

[108] *DI* IV 352 (1421): Þorsteinn Guðmundarson appointed a twelve-man tribunal as lawful deputy for the governor Þorsteinn Óláfsson.

[109] *DI* IV 359, IV 360. In these cases terms meaning "the king's agent" ("kongs vmmbodsmanne") and "the king's mandate" ("kongs vmbod") are used about king's officials. In *DN* IV 324, however, Páll Rúnólfsson was both sheriff and agent for the king, not for the governor.

demand from 1375 suggests. In Norway the post of sheriff also seems to have been maintained with roughly the same functions after 1350. And since councillors and other members of the Norwegian high aristocracy were given sheriffdoms in Norway, there is no indication that the status of the sheriff was reduced.[110] To understand the role of the governor and the sheriffs in the administrative apparatus in Iceland after 1370, however, we must look more closely at the governor's tasks. It is also necessary to compare with the governors in Norway and the governor in Orkney.

In 1353 a man was beheaded at the Alþingi because he had released a prisoner of the king from the custody of the governor, Óláfr Bjarnarson.[111] We have other examples of the governor being active in the administration of justice: In 1394 Vigfúss Ívarsson summoned two parties in a dispute to appear before him and the lawman of the north and west. The lawman handled the case and pronounced the decision, while the governor administrated the arbitration concerning the issue of compensation.[112] The governor was also present at the Alþingi, and he was still responsible for having new regulations from the king adopted at the Alþingi, and for implementing the king's orders.[113] The bishops, moreover, expected support from the governor.[114] It is not possible to demonstrate that the leasehold governors performed other tasks on behalf of the king than the regular governors.

Axel Kristinsson also assumes that the governor had the authority to appoint sheriffs and that the sheriffs were the governor's agents.[115]

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[110] See e.g. Moseng et al. 1999, p. 322.

[111] *IA*, p. 355 (1353).

[112] *IA*, pp. 424–25. In 1360 Governor Árni Þórðarson had a man beheaded after a verdict by a twelve-man tribunal at the Lambey thing (*IA*, p. 407). Early in the 1370s Governor Torgaut Jonsson captured a man (*IA*, p. 411). I have elected not to look in any more detail at the many conflicts between Icelanders in the latter half of the fourteenth century. The king's men were involved, but the topic goes far beyond the subject of this study. See e.g. Axel Kristinsson 1998, pp. 147–48 on the situation around 1387.

[113] In 1361/62 Governor Smid was present at the Alþingi, where he ordered that Árni Þórðarson should be executed (*IA*, p. 279; Einar Bjarnason 1974). In 1365 both Óláfr Pétrsson and Þorsteinn Eyjólfsson were present at the Alþingi along with several former king's men. Only Óláfr is called governor, while Þorsteinn is designated lawman, probably because the case mentioned in the extant witness statement concerns matters in the north of the country where Óláfr was governor (*DI* III 177). In 1392 the governor received a request for increased tax from Queen Margrete. The following year he brought the letter up at the Alþingi (*IA*, pp. 419 (1392), 423 (1393).

[114] *DI* III 177.

[115] Axel Kristinsson 1998, pp. 144–45.

We cannot find this practice anywhere else in the kingdom during the fourteenth century, nor is it confirmed in the Icelandic sources: only the king nominated sheriffs.[116] If sheriffs became more like local *bondelensmenn* or 'farmer's agents' who assisted the *lensherre* or fiefholder's local bailiffs later in the Late Middle Ages, it is not possible to assign them such a role in the fourteenth century.

In the fifteenth century the governor was still the king's senior official in Iceland. He supervised, checked, and signed for the king's regular revenue and rents which the sheriffs had collected. The governors also had agents of their own, whereas the sheriffs are still described as the king's, not the governor's, agents, and discharge duties like those the sheriffs had in the 1270s. The sheriffs continued to be the king's and not the governor's men at the start of the fifteenth century.[117]

The governor in Orkney in 1375 and the governors in Norway had sheriffdoms/fiefs for their maintenance. The Norwegian governors' districts comprised several sheriffdoms, and among their duties they had to exercise control of the king's sheriffs and revenues. In addition, they delegated tasks to the lawmen.[118] Whereas the leasehold governors probably selected their own agents, the Icelandic governors later in the fourteenth century were primarily leading sheriffs like their colleagues in Norway. In 1372 Otte Rømer was treasurer and governor in Trondheim, and Håkon Jonsson, former sheriff of Orkney and Shetland, was both governor and treasurer in Bergen in 1392.[119] The fact that the posts of governor and treasurer were combined shows that these officials administered both town and country. It is also characteristic of the reorganization of national administration after 1350 that more than one office was filled by one and the same man.[120]

The Old Norse designation of *hirðstjóri* disappeared in Norway in the 1390s, and *høfuðsmaðr* (governor) became the title of the king's senior officer in provincial administration. In Iceland too, the term

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[116] We have no example of the governor appointing sheriffs apart from Hrafn Oddsson in 1285. Axel Kristinsson also points out that the king continued to appoint sheriffs in Iceland after 1354.

[117] *DI* IV 324 (Páll Rúnólfsson was sheriff and agent for the king; the governor signed for the receipt of the king's regular revenue and rents that Páll had collected), 359 (the king's agent (*ombudsmaðr*) appointing a tribunal), and 360 (the king's agent (*ombudsmaðr*) for Húnavatnsþing).

[118] See ch. 6 on the governors in Norway.

[119] *DN* II 422, XII 123. See also Helle 1982, p. 827.

[120] See e.g. Moseng *et al.* 1999, pp. 321–22.

hirðstjóri was replaced by *hǫfuðsmaðr*, but not until near the end of the fifteenth century.[121]

The governors did not take over the sheriffs' duties in the fourteenth century, whether in Iceland or Norway. The change back to one governor and several sheriffs from the end of the 1360s, however, can be taken as an indication that there were clear limitations to an administration by fiefholders, and that in Iceland too the king chose a mixture of sheriff administration and enfeoffment. The new fiefholder administration had not yet found its form, and elements of the high medieval sheriff administration and rule by officials lived on to the end of the fourteenth century.

The transformation of the office of lawman

In Shetland, Orkney, and the Faroes the lawman was first and foremost the representative of the inhabitants and the community. In Iceland the lawmen had always been attached to the local community, but they had also had a foundation in the king's administrative apparatus along with the other officials. In this period, however, there was a change, as in Iceland too the lawman became the representative of the common people to a greater extent.

Icelandic lawmen performed the same tasks as before. They appointed tribunals, made rulings, arranged assemblies, and took part in the Alþingi—alone or in pairs.[122] The lawmen also collaborated with the bishops. In 1375 Bishop Oddgeir of Skálholt issued an ordinance about tithes paid by a farm to a church. The farmer Ormr Snorrason,

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[121] Björn Þorsteinsson 1961, cols. 582–583.

[122] In 1369 the lawman Einarr Gilsson pronounced a ruling on fishing in Hópsós. In the letter there is also reference to an older ruling by Guðmundr the lawman (*DI* III 202). In 1377/78 the lawmen Þorsteinn Eyjólfsson and Sigurðr Guðmundarson held a general assembly in Borgarfjörður (*IA*, pp. 281, 412). In 1380 the lawman Sigurðr Guðmundarson ruled on a gift from a priest to his sons (*DI* III 298). In 1384 Hrafn Bótólfsson appointed a twelve-man tribunal in a property dispute (*DI* III 321). In 1385 six men at Þingvellir attested to the transcription of a judgement by Hrafn the lawman from the year before (*DI* III 330). In 1385 the sheriff Guðmundr Snorrason and Eiríkr Guðmundarson rode to the home of Þórðr Jónsson at Christmas and arrested him. He was then beheaded after the verdict of a tribunal appointed by the lawman Ormr Snorrason. Many opposed Guðmundr and Ormr at the assembly (*IA*, p. 414). In 1393 the lawman Narfi Sveinsson acted as judge (*IA*, pp 421–23). In 1393 Þorsteinn Eyjólfsson ruled on an older letter of protection from King Magnus Eriksson (*DI* III 401). In 1398 Þorsteinn Eyjólfsson pronounced a ruling about a boundary marker (*DI* III 524).

probably a lawman, had presented the case to the bishop.[123] The reorganization in 1354 also had consequences for the lawmen, who were recruited from the same class as the other officials in Iceland. Jón Guttormsson was a lawman when he was killed together with the governor Smid Andresson in 1362, although it was Jón's past as a governor that was the reason for the killing.

Whereas the office of lawman had formerly been stable, there were more frequent changes of lawmen under the leasehold governors.[124] In 1364 Þorsteinn Eyjólfsson was to be both lawman and governor with a sheriffdom. This can be interpreted as a sign that the distinction between administrative and judicial activity was becoming blurred. In 1369 Þorsteinn was also appointed lawman over the whole of Iceland, although without a governorship.[125] But both the double office and the amalgamation of judicial districts seem to have been exceptional, for there are once again two lawmen in the country from the 1370s, and we find no further examples of double offices.[126] We do, however, have an example of a lawman being appointed for the rest of his life. In 1381 King Olav Håkonsson gave Hrafn Bótólfsson a judicial district comprising half the country for the remainder of his life. It appears as if the Icelanders' desire in 1375 to retain the same lawman for a long period was satisfied.[127]

In 1390 the lawman was appointed for the first time at the Alþingi by the governor in consultation with the common people. Before this the king had nominated the lawmen, but the Icelanders had long wanted to have some influence over the appointment.[128] The king appointed

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[123] *DI* III 246. The ordinance was issued at Skarð on Skarðsstrand, Ormr Snorrason's farm.

[124] Grímr Þorsteinsson (1346–1350); Pétr Halldórsson (1351–1360); Þórðr Egilsson (1352–1357); Sigurðr Guðmundarson (1358), Ormr Snorrason (1359–1368), Jón Guttormsson (1361–1362), Þorsteinn Eyjólfsson (1362–1366); Nikulás Broddisson (1363–1364); Einarr Gilsson (1367–1368).

[125] *IA*, p. 227, 362.

[126] Magnús Jónsson was appointed lawman for the north and west in 1371, but he died (*IA*, p. 229). Tostein Eyjólfsson (1369–1370, 1372–1380, 1390–1404 (*JS* 1391)); Ormr Snorrason (1374–1375, 1385 (not in JS)); Sigurðr Guðmundarson (1376–1377); Bjǫrn Þórbjǫrnsson (1378–1386); Hrafn Bótólfsson (1381–1389/90); and Narfi Sveinsson (1387–1405).

[127] *IA*, p. 413; *DI* IX 7. Hrafn died in 1389/90 (*IA*, pp. 284, 366).

[128] *IA*, pp. 284 (1390), 418 (1391); *DI* IX 7 (1375). According to the sources and prevailing practice within the realm, the king appointed the lawmen up until 1390 (*IA*, pp. 212, 229, 326, 365, 412, 413, 415), but it could also happen that the governor selected a lawman, although this was probably done with the king's authority (*IA*, pp. 210

the lawmen in Norway—they were after all royal officials—but we do not know who appointed the lawmen in the other tributary lands in this period. The development in Iceland confirms the process we find in, for example, Orkney, where the lawman's position as representative of the common people is underlined. And it seems unlikely that a Norwegian could now have been selected as lawman in Iceland, as we have examples of before 1310.

Local public life

In 1358 two visiting inspectors from the archbishop emphasized that the common people had to assert their rights *vis-à-vis* the church's men at the lawthing.[129] The position of the Alþingi was not weakened after 1350; the Icelanders continued to meet at this assembly. From this period we have, among other things, more records of executions at the Alþingi. They followed the pronouncement of verdicts by tribunals appointed by the king's men.[130] Yet it did not always happen that the king's men acted to everyone's satisfaction. In 1385 the sheriff Guðmundr Ormsson and Eiríkr Guðmundarson captured a man who was then beheaded after a verdict from the lawman Ormr Snorrason and a tribunal of assessors. This provoked reactions at the Alþingi, where the lawmen usually decided such serious cases.[131]

The king's men met regularly at the Alþingi, which was still a forum for announcing and adopting new regulations from the crown. From 1365 a testimonial is extant about letters read aloud at the lawthing. The letters concerned, among other things, several of the king's men, and these men are also well represented among the witnesses to the reading.[132] In 1393 the governor Vigfúss Ívarsson had read

(1343), 227 (1364)). In 1387 both the governor and the lawman were appointed by the *dróttsæti*, but this was an exception (*IA*, pp. 414–15). Einar Bjarnason's conclusions regarding the election and appointment of lawmen in Iceland vary slightly from mine. He bases his conclusions on developments in Iceland only (Einar Bjarnason 1966).

[129] *DI* III 86.

[130] *IA*, pp. 214 (1350), 255 (1353), 415–16 (1386). On the use of the death sentence in the Middle Ages, see Lúðvík Ingvarsson, "Straff. Island", *KLNM* XVII, 1972, col. 272; Steinar Imsen, "Straff. Norge", *KLNM* XXI, 1977, cols. 321–25.

[131] *IA*, p. 414 (1385). Ormr and Guðmundr were father and son. See e.g. *IA*, p. 229 (1372) on lawman's rulings at the Alþingi.

[132] *DI* III 177. Among the witnesses are Þorsteinn Eyjólfsson, governor of the south and sheriff and lawman in the north and west, Ívarr Vigfússon, former governor and sheriff, and Benedikt Kolbeinsson, also a former sheriff. In addition, the governor Óláfr Pétrsson was present.

to the Alþingi a letter from Queen Margrete Valdemarsdatter about increased taxes.[133] In 1384 the lawman Hrafn Bótólfsson appointed a tribunal to judge a case between two men who disagreed about the costs when one of them had wrongfully summoned the other to the Alþingi.[134] The Alþingi was also used to confirm and announce judgements and decisions.[135]

The local things and the *hreppr* organization were also maintained. The common people, like the king, wanted the king's men to participate in the local public sphere. In 1375 the people demanded that, when the sheriffs were collecting tax, the liegemen, farmers, and if possible the lawman should join the sheriff at the *þriggja hreppar þing*.[136]

Governors, sheriffs, and lawmen were all deeply involved in local public life in Iceland, and for this period, to a greater extent than before, we can see the close ties between the king's officials and the common people. Officials were used as witnesses and sureties. The sheriff Guðmundr Snorrason, for example, witnessed a church inventory arranged by Bishop Gyrd Ivarsson of Skálholt in 1354, and the governor Óláfr Pétrsson was witness to a property transaction in 1364, along with the son of the late governor Ketill Þorláksson.[137] In 1397 the sheriff Gunnlaugr Magnússon and the lawman Þorsteinn Eyjólfsson are named as witnesses in a deed of purchase from the governor Vigfúss Ívarsson and his wife at Bessastaðir.[138] Unlike the other tributary lands and Norway, in Iceland the lawmen, sheriffs, and governors were all a part of the local community. It is not possible, for example, to show any conflicts of interest between the lawmen and the other officials, as we have examples of from Orkney in 1375 and after 1400. The governor and the sheriffs were just as integrated into local public life in Iceland as the lawmen.

It was nevertheless the lawmen who left the greatest mark in the Icelandic local public sphere. They continued to be used a great deal

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[133] *IA*, pp. 421–23.

[134] *DI* III 321.

[135] At the Alþingi in 1385 six men witnessed the transcription of a ruling by the lawman Hrafn Bótólfsson from 1384. Among the witnesses were Arnfinnr Þorsteinsson, Hrafn's brother-in-law and son of the lawman Þorsteinn Eyjólfsson, and Sæmundr Þorsteinsson, who bought Svalbarð in 1390 (*DI* III 330, 380).

[136] *DI* IX 7. A joint thing for three *hreppa*.

[137] *DI* III 54 (1354), IV 16 [1364]. Also a witness in 1364: Jón bóndi Ketilsson, who was presumably the son of governor Ketill Þorláksson (*ÍÁ*, XIII Hítdælir).

[138] *DI* III 513.

as witnesses, especially in the church's administration of justice, and the lawman is often designated by his official title even when he was just a witness.[139] Lawmen also ratified church inventories.[140] But it was primarily the activity of former and subsequent officials that demonstrates their participation and ties to other actors in public life at local level.

In 1353 Einarr Gilsson, later lawman, confirmed that he was present when Bishop Orm of Hólar rode along the boundaries of one of the bishopric's properties. In 1359 Einarr and Benedikt Kolbeinsson bore witness that Gizurr galli Bjarnarson transferred his rights to flotsam to Bishop Jón of Hólar. Both Benedikt and Gizurr had previously been in the king's service.[141] Magnús Jónsson, who was appointed lawman in 1371, witnessed the sale of land between Bishop Jón of Hólar and a local farmer and his wife in 1360.[142] A great many private letters are also preserved showing how closely the king's officials in Iceland were attached to the local community and to the local elite.[143]

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[139] In 1368 agreement was reached between Lýtingr bóndi Húnljótsson and the abbot of Þingeyrar monastery about fishing. The witnesses include the lawman Einarr Gilsson (who is given his title) (*DI* III 197). In 1386 Einarr Hafliðason, official in Hólar, made a ruling about flotsam for a church. Among the twelve assessors or the witnesses we find Þorsteinn Eyjólfsson, with his title of lawman. Þorsteinn's position in the community is also underlined by the fact that he is named first of the laymen (*DI* III 335). In 1387 Hrafn Bótólfsson, with his lawman's title, witnessed the sale of turbary (*DI* III 342).

[140] Þorsteinn Eyjólfsson, lawman in the north and west, ratified the inventory of the monastery of Helgafell in 1399 (*DI* III 541).

[141] *DI* III 33 (1353), 96 (1359). Benedikt had been sheriff, and Gizurr had collected the king's taxes in Finnmark.

[142] *DI* III 109 (1360). In 1367 Andrés Sveinsson, later governor, was witness to a church deed along with men including the bishop of Skálholt (*DI* III 180). In 1375 the former governor Óláfr Pétrsson and his brother were among the witnesses to a property sale in Eyjafjörður (*DI* III 239). In 1383/85 Narfi Sveinsson, lawman from 1387 to 1405, was witness to a property sale (*DI* III 313). In 1388 Einarr Dálksson, sheriff in 1397, witnessed a property sale (*DI* III 359) and in 1394 he served on a tribunal set up by the governor Vigfúss (*IA*, pp. 424–25).

[143] Two priests are the sole witnesses to the transfer of land by a man to Þorsteinn Eyjólfsson as settlement for a debt in 1358 (*DI* III 94). In 1372 Þorsteinn Eyjólfsson gave Ketill Grímsson a discharge for unlawful handling of money for which Ketill had been responsible to Þorsteinn (*DI* III 228). In 1386 Bishop Jón of Hólar was witness to Þorsteinn Eyjólfsson's will (*DI* III 336). Ormr Snorrason, governor in 1366 and former lawman, was private representative of Sigríðr Torfadóttir in 1369 (*DI* III 205). Sigurðr Guðmundarson, a former lawman, bought land from the monastery of Munkþverá in 1375. Among the witnesses was Eiríkr bóndi Magnússon of Svalbarð, who was brother-in-law to Guðmundr's son (*DI* III 242).

The assessors who were appointed by the lawmen as members of tribunals give us a glimpse of the kind of men who were active in local public life in Iceland. Þorsteinn Eyjólfsson's son, and later governor, Arnfinnr, witnessed the ratification of a lawman's ruling at the Alþingi in 1385.[144] A arbitration tribunal set up by the governor Vigfúss Ívarsson in 1394 included Jón Hákonarson, Einarr Dálksson, Oddr leppr, Sæmundr Þorsteinsson, and Sigurðr hvitkollr. Jón was the grandson of Gizurr galli Bjarnarson and a very rich man. In addition, he was married to the daughter of a former governor. His paternal uncle, Benedikt, was also involved in the matter. Einarr Dálksson was sheriff four years later, when he appointed a tribunal where his own father was one of the members. Oddr later became lawman and came from the same family as Haukr Erlendsson. Moreover, he was probably Sigurðr hvitkollr's father-in-law and brother of Skúli Þórðarson, sheriff in 1368. Sæmundr Þorsteinsson was a wealthy man. He bought the Svalbarð estate in 1390.[145]

When we look at the relationship between the common people and the king's men, it is especially interesting that king's men could represent the people *vis-à-vis* the church. In 1357 Ívarr holmr Vigfússon, former sheriff and governor, represented the laity and the common people in their dealings with the bishopric of Skálholt. Ívarr was not alone in having this responsibility. Björn Óláfsson, who was probably the son of a former governor, was also the laymen's representative. A year or two later Ívarr was appointed papal sub-collector in the bishoprics in the tributary lands.[146]

It is not possible to make a sharp distinction between those who were king's men and those who were not in the local public sphere in Iceland. The king's officials were an integral part of the community, both centrally at the Alþingi and in the local public sphere.

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[144] *DI* III 330.

[145] *IA*, pp. 424–25. Jón and Benedikt (*ÍÁ*, III Sturlungar and XV Dufgusætt). Jón Hákonarson is said to have been the man who commissioned *Flateyjarbók* (Björn Þorsteinsson and Sigurður Líndal 1978, p. 90). Einarr (*DI* III 515), Oddr and Sigurðr (*ÍÁ*, p. 240 and XVII Ætt Erlends sterka), Sæmundr (*DI* III 380).

[146] *DI* III 86. Bjǫrn was probably the son of Óláfr Bjarnarson, governor from 1350 to 1354 (*ÍÁ*, pp. 62–63). In 1364 the pope's emissary and collector commissioned Ívarr to act as sub-collector in the episcopal sees on "the islands belonging to the bishopric of Nidaros". Ívarr was given the authority to collect money to which the papal treasury had a claim, to sign receipts for the payments, and to handle lawsuits (*DI* III 173, *RN* VI 1007).

We have no examples of officials sitting on tribunals while they held office, but they used their kinsmen and in-laws as assessors and witnesses. Bonds between the men representing the king and the rest of the inhabitants were strong, affecting both the administrative apparatus and the role of the people. This explains to a large extent why we do not see two distinct groups in the government of Iceland, as we do in the other tributary lands. There was no opposition between the common people and lawmen on the one hand, and those who had sheriffdoms on the other. The reason will be obvious when we now look more closely at the men who ruled Iceland from 1350 to 1397.

The monopoly of the local elite

As we have seen, it makes little sense to set up a distinction between the king's men and the common people when we investigate conditions in Iceland. It is far more fruitful to draw the dividing line between the men who were recruited to offices and the rest of the inhabitants. We shall now look more closely at the men who ruled Iceland up to 1397 to see which stratum of the population they belonged to. But first a few words about other characteristic features of the king's men.

With the exception of the governors Torgaut Jonsson and Eiríkr Guðmundarson, none of the king's men in Iceland had a position of rank or any connection to the hird or the knighthood in this period. The Norwegian Torgaut was a squire, but had acquired that dignity as a central royal official in Norway. Eiríkr was called a hirdman in 1387/88, so even though the hird had ceased to exist as a corporation, there were still liegemen in Iceland and Orkney. Liegemen are also mentioned as a group in Iceland as late as 1375, but we do not see them in practice.[147]

In general terms, however, we can say that the king's officials in Iceland were no longer part of a nationwide organization of king's men in the second half of the fourteenth century. The governor and the sheriffs still had to pay homage to the king and swear loyalty when they were appointed and received their charters. The lawmen had never had the same formal relationship to the king as the sheriffs unless the holder of the office was a liegeman. Nor were they appointed by the king after 1390. We have no documentation of liegemen without office

[147] See ch. 6.

in this period. The development from the previous period continued: the Icelanders, unlike the Orcadians, no longer belonged to the class from which men were recruited as knights of the realm. However, from the fifteenth century we once again find knights in Iceland.[148]

The Icelanders still had a virtual monopoly on all offices in the country. Only three Norwegians held office in Iceland in this period, all three as governors. Of these three, only one can be linked to royal service in Norway.[149] We can therefore say that the post of governor and the sheriffdoms in Iceland were not generally open to Norwegians and members of the Norwegian aristocracy.

The local elite still maintained its monopoly on offices in Iceland. The majority of sheriffs, lawmen, and governors came from old chieftain families or had married into this class, or they were the sons of former king's men.[150] A great number of the officials and their family members are titled *bóndi* in the sources, or they have epithets that underline their positions in the local community.[151] The king's officials

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[148] Ibid.

[149] Smid Andresson (*IA*, pp. 225, 278, 407 (1360/61)). Vigfus Jonsson (*IA*, p. 229 (1371)) and Torgaut Jonsson (*IA*, pp. 228, 363, 411 (1370, 1371)). It is not possible to place Smid and Vigfus in royal service in Norway. Moreover, Vigfus died before he left for Iceland. Torgaut, on the other hand, was active as treasurer and the king's adviser (Blom 1992, pp. 563, 609, 614, 618, 695, 806).

[150] *Sheriffs (S), governors (H), and lawmen (L)*: Guðmundr Snorrason (*S* 1345–1353. *Sts* II, 20th gen. Skarðverjar and 14th gen. Hitdælir; Einar Bjarnason 1969, p. 303. *ÍÁ*, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir); Þórðr Egilsson (*L* 1352–1357. *Sts* II, 18th gen. Sturlungar a; *ÍÁ*, III Sturlungar); Ívarr holmr Vigfússon (*S* 1352–1354 and *H* 1354–1358. *Sts* II, 7th gen. ættskrá Haukdælir; *ÍÁ*, I Oddaverjar); Árni Þórðarson (*H* 1358–1360. *ÍÆ* I, p. 74; *ÍÁ*, XIX Auðkýlingar and III Sturlungar); Sigurðr Guðmundarson (*L* 1358, 1376–77. *ÍÆ* II, p. 179, IV, p. 221; *ÍÁ*, XX Ljósvetningar and Hlíðarmenn); Þorsteinn Eyjólfsson (*H* 1358–1360, 1364–1366, 1387 and *L* 1362–1366, 1369–1370, 1372–1380, 1390–1404 (JS 1391). *ÍÁ*, VIII Svalbarðætt); Ormr Snorrason (*H* 1366–1370 and *L* 1359–1368, 1374–1375, 1385 (not in JS). *Sts* II, 20th gen. Skarðverjar and 14th gen. Hitdælir; Einar Bjarnason 1969, p. 303; *ÍÁ*, II Ætt Ingólfs landnámsmanns and Húnbogaætt); Andrés Gíslason (*H* 1366–1371. Possible Oddavering, grandfather possible L, knight Grímr Þorsteinsson. *ÍÆ* I, p. 8; *ÍÁ*, pp. 166, 256. These relationships are not substantiated according to Einar Bjarnason 1968, p. 103, 107). Þorgeirr Egilsson (possible *S* 1366. *ÍÁ*, p. 361, III Sturlungar); Skúli Þórðarson (*S* 1368. *ÍÁ*, XVII Ætt Erlends sterka); Hrafn Bótólfsson (*L* 1381–1389/90. *Sts* II, 23th gen. Rauðsendir and Sandamenn and 19th Sturlungar b; *ÍÁ*, I Oddaverjar); Guðmundr Ormsson (*S* 1385, *Sts* II, 20th gen. Skarðverjar and 14th gen. Hitdælir; Einar Bjarnason 1969, p. 303; *ÍÁ*, II, Ætt Ingólfs landnámsmanns and Húnbogaætt), and Vigfúss Ívarsson (*H* 1389–1413. *Sts* II, 7th gen. Haukdælir; *ÍÁ*, I Oddaverjar).

[151] *Bóndi*, e.g.: governor and lawman Þorsteinn Eyjólfsson (*DI* III 94); Gizurr galli Bjarnarson (*DI* III 96); sheriff Einarr Dálksson (*DI* III 359, 515); lawman and governor Ormr Snorrason (*DI* III: 246); lawman Guðmundr Sigurðarson (*DI* III 242); Eiríkr

were part of a local elite that retained its grasp on royal service, even if—unlike their ancestors—they were not a part of what we would refer to as a national aristocracy or aristocracy of the realm. It is worth noticing, however, that even if it was Icelanders who were governors and occupied the sheriffdoms in the country, there was nevertheless conflict between the king's men. The conflict between the leasehold governors early in the 1360s also shows that there were antagonisms between the inhabitants of the different quarters.[152]

Even though the Icelanders appear to have lost contact with the court and the king's inner circle, Icelanders were nevertheless still able to serve the king in Norway. In 1375 Andrés Gíslason was undertreasurer in Bergen, and one of three royal agents in the town with the authority to pay money from the king's purse. He had previously been governor, and must therefore have been well qualified to fetch the king's property in Iceland.[153]

Kinship continued to be a strong factor in the administrative apparatus in Iceland, and some families keep recurring in office. For example, of the lawman Snorri Narfason's sons, Guðmundr was a sheriff and Ormr became lawman, sheriff and leasehold governor. Moreover, they were nephews of former governor Ketill Þorláksson. Þorsteinn Eyjólfsson and Sigurðr Guðmundarson were brothers-in-law and lawmen. Sigurðr's father and grandfather had also been lawmen. Þorsteinn Eyjólfsson was in royal service almost continuously from 1358 to 1403, as both governor and lawman, and he was simultaneously a central man in local public life in Northern Iceland. Þorsteinn's son-in-law, Hrafn Bótólfsson, was also a lawman. Hrafn was the son of the governor Botolf Andresson, grandson of Hrafn Jónsson, and thus Hrafn Oddsson's great-great-grandson. Þorsteinn's son, Arnfinnr, later became governor. Both the father and grandfather of the governor Vigfúss Ívarsson had been sheriffs.[154]

Magnússon of Svalbarð (*DI* II 529); governor Andrés Sveinsson (*IA*, pp. 229 (1372)), and sheriff Gunnlaugr Magnússon (*IA*, pp. 286 (1400)).

[152] *IA*, pp. 225, 278, 407 (1360–62).

[153] *DN* II 435 (1375), *IA*, p. 357 (1367), *ÍÁ*, p. 256.

[154] *Sheriffs (S), governors (H), and lawmen (L)*: Guðmundr Snorrason (*S*) and his brother Ormr (*L* and *H*) (Sons of Snorri Narfason, lawman and knight, nephews of the governor Ketill Þorláksson. *Sts* II, 20th gen. Skarðverjar; *ÍÁ*, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir); Þórðr Egilsson (*L Sts* II, 18th gen. Sturlungar a); Ívarr Vigfússon (*S* and *H* His father *S* and son H. *Sts* II, 7th gen. Haukdælir; *ÍÁ*, I Oddaverjar); Árni Þórðarson (H. *ÍÆ* I, p. 74; *ÍÁ*, III, Sturlungar and XIX Auðkýlingar. Possibly Þórðr kakali was his grandfather. Father-in-law of Jón

With the exception of the relatively turbulent period with leasehold governors, offices in Iceland remained stable. The governors Andrés Sveinsson and Vigfúss Ívarsson and the lawmen Þorsteinn Eyjólfsson, Hrafn Bótólfsson, and Narfi Sveinsson served the king for long periods.

The situation in Norway and the restructuring of the government of the kingdom had direct consequences for the administration of Iceland. In Iceland the years with leasehold governors saw the greatest reorganization of the government of the country, but it was not permanent. Even though there may still have been fiefs on lease in Iceland, the older system seems to have been restored at the end of the 1360s. It was the country's "good men" who ruled Iceland. They dominated the king's administrative apparatus and local public life. Like the chieftains in the thirteenth century, the Icelandic officials at the end of the fourteenth century had a personal power base in addition to their office. They were closely connected to the community they were appointed to govern. And even if the Icelanders continued to visit the king to ask for offices, the most important trend in this period was the Icelanders' relative isolation from the king and the court. The governor maintained his role as the senior official, with duties that rendered emissaries from Norway superfluous. When the lawman was first appointed at the Alþingi by the governor in consultation with the common people in 1390, it was a confirmation of a development that

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Håkonsson, Gizurr galli's grandson); Sigurðr Guðmundarson (*L* Sigurðr belonged to the lawman family from Hlíð. Father and grandfather *L* Þorsteinn Eyjólfsson's brother-in-law. *ÍÆ* II, p. 179, IV, p. 221; *ÍÁ*, XX Ljósvetningar and Hlíðarmenn.); Þorsteinn Eyjólfsson (*H* and L. Married into the Svalbarð family. Brother-in-law of Sigurðr Guðmundarson *L* and father-in-law of Hrafn Bótólfsson L. Son Arnfinnr H. *ÍÁ*, VIII Svalbarðætt; *DI* IV 330 (Arnfinnr)); Jón Guttormsson (H. Ketill Þorlákssonʼs brother-in-law, son of former *L* Guttormr Bjarnason. *ÍÁ*, p. 167); Andrés Gíslason (H. Possible Oddavering according to Einar Bjarnason 1968, p. 103 and *ÍÁ*, pp. 166, 256); Þorgeirr Egilsson (possible S. *ÍÁ*, p. 361, III Sturlungar); Skúli Þórðarson (S. Brother of Oddr lepp later L. Descendant of Erlendr Óláfsson L. *ÍÁ*, XVII Ætt Erlends sterka); Andrés Sveinsson (H. Possibly brother of Narfi Sveinsson *L* and father of Sveinn Andrésson L. Einar Bjarnason 1968, p. 103, 107, *ÍÁ*, pp. 245, 259); Hrafn Bótólfsson (L. *ÍÁ*, e.g. I Oddaverjar. Hrafn Oddsson's great-grandson, son of Botolf Andresson H, father-in-law Þorsteinn Eyjólfsson, brother-in-law Arnfinnr Þorsteinsson *H*); Guðmundr Ormsson (S. Son of *L, S* and *H* Ormr Snorrason, nephew of *S* Guðmundr, grandchild of *L* Snorri Narfason etc. *Sts* II, 20th gen. Skarðverjar; *ÍÁ*, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir); Narfi Sveinsson (L. Possibly brother of Andrés Sveinsson *H* and uncle of Sveinn Andrésson *L* (*ÍÁ*, p. 245), although neither *ÍÆ* III, p. 486 nor Einar Bjarnason 1968, mention this); Vigfúss Ívarsson (H. Grandfather *S* and father *S* and H, *Sts* II, 7th gen. Haukdælir; *ÍÁ*, I Oddaverjar).

had been in progress for a long time. In reality the king left the ruling of the country to the local elite.

Conclusion

The changes in the government of the tributary lands reflect what happened to the administrative system in Norway and the financial and political problems facing the king. This applies, for example, to the governor in Orkney in 1375, the revitalization of the earldom, and the leasehold governors in Iceland. Administration by fiefholders had been introduced in Iceland in the 1350s, but with the exception of the period 1354–1368, there was no complete reorganization of the sheriff administration. As in Norway, the tributary lands probably had both fiefs on account and fiefs on lease at the same time.

The tasks performed by the officials remained virtually unchanged during this period. The governor in Iceland maintained his position, and like the governors in Norway he functioned as the chief official and represented the king. We can say that the national government was strengthened at provincial level. The traditional doctrine that the growth of the state in the High Middle Ages had the effect that the farming communities' own institutions were pushed aside and replaced by the king's officials and institutions has been tenacious.[155] The study of the tributary lands in the latter half of the fourteenth century, however, confirms the conclusions of more recent Norwegian research: the growth of the state did not necessarily lead to any weakening of the farmers' own institutions. The king's men were active participants in the local public sphere and could dominate it, but neither they nor the king's institutions suppressed the local bodies. To an even greater extent than in Norway, the king's men entered into and became a part of local public life. Steinar Imsen's conclusion that the late medieval local community was a continuation of a local public system created by the high medieval state is in large measure confirmed.[156]

The earldom of Orkney was ruled very differently from Iceland after 1379. Whereas Earl Henry held the entire tributary land as a fief and surrounded himself with knights, Iceland was still governed by an apparatus with close ties to the local administration of the High

[155] See e.g. Helle 1974, pp. 179–89 for the traditional doctrine.
[156] Imsen 1990, pp. 23–39, 119, 171–72; Dørum 2004, pp. 294, 311–12, 340–47, 363.

Middle Ages. Yet there were some similar features. The local aristocracy expected to play a central part in the government of the lands, and they dominated local public life. But despite this, the study also shows that great socio-political differences had developed between the tributary lands. The major dividing line seems to have run between the original tributary lands and Iceland. Whereas the lawman was firmly integrated into the local community in all the tributary lands, there were great differences as regards the other officials. With some reservations in the case of the Faroes, it does not appear as if representatives of the local elite, who had dominated local public life in the original tributary lands, were given sheriffdoms. Although the "good men" of the community were also central figures in the government of these tributary lands, neither they nor the local elite in Norway were given sheriffdoms or fiefs in their respective countries of origin. In the original tributary lands the sheriffdoms were reserved for members of the "foreign" aristocracy—that is, Norwegian and, in the case of Orkney, Scottish. In Iceland after 1350 the situation was the reverse. With few exceptions, it was only native men who were appointed to royal offices. In the original tributary lands, as in Norway, members of the local elite of a country had to content themselves with positions as lawmen, lawrightmen, and sheriffs' agents, whereas the representatives of the local elite in Iceland became sheriffs and governors. The administration of Iceland thus differed radically from the rest of the realm, where sheriffdoms and higher royal offices were in reality reserved for members of an increasingly exclusive upper aristocracy.

Turning to the socio-political aspect, in the fourteenth century we can demonstrate, especially in the case of Iceland, further consequences of developments at the national level. The tributary lands became geographically more distant from the centre of the kingdom, in political, social, and cultural terms. This development began with the personal union with Sweden in 1319. We now see for the first time in earnest the significance that physical proximity to the king must have had for the tributary lands, and perhaps especially for Iceland, where ties to Norway had been particularly strong. The Icelanders maintained their contacts in Bergen after 1319, but they gradually lost contact with the royal court and thus the opportunity to preserve their links with the national aristocracy. But it cannot have been solely a matter of geographical distance. The geopolitical orientation of the kingdom must have been at least as crucial. After 1319 the rulers of the Norwegian

kingdom more or less turned their backs on the North Sea and the Atlantic. At the end of the fourteenth century the tributary lands were not just on the periphery of the kingdom. Compared to the situation at the end of the thirteenth century, they were in a backwater in terms of national politics. Even though the Norwegian king was still accessible to the Earl of Orkney, Scotland was even closer. And even though the Icelanders maintained contact with the crown, this contact was now mostly mediated by the king's officials in Bergen.

Despite this, we cannot say that the crown reduced its presence in the tributary lands after 1350, but the relationship between the crown and the tributary lands changed character; it became more indirect. Royal lordship was increasingly delegated to fiefholders. This development is characteristic not only of the king's relationship to the tributary lands. In the new Scandinavian union state, Norway was also increasingly governed from outside via powerful fiefholders. In this perspective it is fully understandable that national political development in the fourteenth century had major consequences for the relationship between the tributary lands and the crown, and primarily for the relationship between the king and the local elite.

CONCLUSION

TO SERVE A KING, AS ALL OTHER LANDS IN THE WORLD

Incorporation

In her article about the tributary lands in *Kulturhistorisk leksikon for nordisk middelalder*, Grethe A. Blom presents the traditional explanation for the incorporation of the Norse island communities into the Norwegian realm from the end of the twelfth century.[1] She emphasizes the following factors: Rivalry between magnate factions and would-be earls in Iceland and the islands in the southwest and political pressure from Scotland are said to have led the local rulers to seek support from Norwegian kings. The Norwegian crown and the church are also supposed to have pursued an active policy of incorporation from the second half of the twelfth century. This policy was allegedly intensified after the Kvitsøy settlement ended the power struggle between the main political factions in Norway in 1208. In addition, Greenland and Iceland are thought to have become more dependent on supplies from Norway. This also applied to the Faroes and Shetland, although to a lesser extent. After the island communities' own modest shipping had ceased, until the fifteenth century Norway was the only market for goods from Iceland, Greenland, Shetland, and the Faroes.[2]

Local conditions and an active ecclesiastical and royal policy of incorporation from the middle of the twelfth century are thus put forward as the main reason why the Norse island communities became the Norwegian king's tributary lands. The traditional explanation gives the impression that the Norwegian crown came to the rescue of the tributary lands, saving the inhabitants from internal conflict and famine. On the basis of my own study, I will now present an alternative to the traditional explanation, and link the incorporation directly to the state-formation process in Norway and to general developments elsewhere in Europe.

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[1] Blom develops her idea from what was previously written by P. A. Munch in *NFH* II, III; Helle 1974; Ólafur Lárusson 1960; Björn Þorsteinsson 1956.

[2] Blom 1970, cols. 446–50.

My investigation has shown that the Viking Age expansion and settlement led to the establishment of a Norse cultural sphere outside Norway. A common origin, language, and history created a platform for links that served as a foundation for the establishment of the king's lordship. This lordship was not just a result of rivalry between local rulers. Although the 1098 treaty between the kings of Norway and Scotland had consequences for the kings of Man and the Hebrides and the Earl of Orkney, the latter were not involved in the establishment of the Norwegian king's lordship. Although the king's territorial sovereignty was not elaborated as a constitutional principle before the end of the thirteenth century, in practice it was a territorial lordship that was the basis for the incorporation of Orkney and Shetland into the realm.

At first the lordship was indirect, an overlordship. As long as there was internal strife in Norway, the Norwegian kings were not in a position to intensify their lordship. They were therefore dependent on local rulers representing them. For most of the twelfth century, the kings could only assert their lordship through the local rulers, and the influence they had on them was crucial. The Norwegian kings, for example, set up earls in Orkney, but in reality they had very little chance of establishing more direct lordship there until around 1200.

Despite intervention in the succession to the earldom and the establishment of the archbishopric in Nidaros, it is difficult to demonstrate any planned incorporation policy for the Norse island communities on the part of the king and the church before the reign of Håkon Håkonsson. With one exception, no Norwegian kings mounted campaigns in the west in the period between Magnus Barelegs and Håkon Håkonsson, and no representative of the crown expressed any wish to establish royal lordship over Iceland before 1220. It was not until the 1230s that the ecclesiastical leadership in Trondheim secured better control over the Icelandic bishoprics.

There was an intensification of royal lordship over the Faroes, Orkney, and Shetland from the end of the twelfth century. In Orkney and Shetland this was a consequence of the vassalage of the Orkney earls to King Sverre, and not of a deliberate policy on the part of Sverre towards the island communities. The king's reaction and the consequences it had for the earl must be viewed in connection with the king's policies towards political opponents at home in Norway and the general consolidation of the kingdom under Sverre. Overlordship gave the king the right to change the political and administrative structure

and establish a more direct lordship without the consent or approval of the inhabitants and the earl. King Sverre's perception was that he could change the rules for the Orkney earldom as the earl's overlord.

When Sverre sent sheriffs to Orkney and Shetland he used the same approach that he and his rivals had employed in Norway to secure their revenues and their control over territories which had not previously been subject to direct royal rule or had belonged to the enemy. The shrieval organization thus gave Sverre an opportunity to safeguard his local interests without being dependent on powerful vassals like the earl of Orkney. Control over the island communities was a part of Sverre's consolidation of the kingdom in general. They were thus administratively integrated in the emerging Norwegian state from the end of the twelfth century. The fact that the sheriffs were an indication of direct royal lordship is perhaps especially visible after the Kvitsøy settlement, when King Inge sent sheriffs to Orkney and Shetland to ensure his lordship and his interests, as he also did in Norway.

The transition to direct lordship in the Faroes, Shetland, and Orkney took place more or less parallel to the expansion of a royal administrative apparatus in Norway. But even though the Faroes, Shetland, and Orkney seem to have been treated like a part of the king's realm, they were not a part of Norway. The Orcadians, Shetlanders, and Faeroese are never called Norwegians. They were separate lands in the king's realm.

Although the idea of establishing royal lordship over Iceland may have been conceived in the 1220s, it was not until the 1240s that King Håkon Håkonsson began a planned incorporation policy *vis-à-vis* Iceland and Greenland. This policy had a decidedly ideological foundation. In the middle of the thirteenth century the proper world order required every country to obey a king.[3] Whereas the original tributary lands had been more or less seen as part of the king's realm or dominion even before the establishment of direct lordship, the incorporation of Iceland and Greenland into the Norwegian realm was primarily a result of political manoeuvring on the part of the king. The establishment process was therefore a strategy of power politics—in Iceland mainly directed against the Icelandic chieftains—and simultaneously the establishment of a judicial foundation for the king's lordship. The policy towards the chieftains gave the king indirect lordship over much

[3] Bagge 1995, p. 11.

of Iceland. After the middle of the thirteenth century, however, there was no longer room for indirect lordship in Norway, and thus not in Iceland either. Direct lordship first became a reality after negotiations with the Icelanders, who were given promises that the king would satisfy certain demands and in return the Icelanders would pay tax and accept him as their king. These demands, together with the Icelanders' consent, made up the judicial foundation for the king's direct lordship over the country.

Even though links between the local aristocracy and the Norwegian crown were strong in the establishment phase, and the Icelandic chieftains were a part of the king's strategy to establish his power in Iceland, this alone did not lead to the establishment of direct lordship. The ties to the local aristocracy were old, yet this had not led to royal lordship in Iceland. And even though the Icelanders wanted guarantees about shipping supplies, it is not possible to demonstrate that destitution was so great in the country that this can explain their submission to the Norwegian king. To fully understand the development we must look more closely at what was happening in Norway from the beginning of King Håkon Håkonsson's reign, and ask what may have been the driving force in the king's policy for the tributary lands.

At the end of the twelfth century, the state-formation process was well under way in Norway. The government of the kingdom had now become more institutionalized, and a centralized organization was maintained by men who owed their position to the king. But the process did not gain full momentum until the internal strife had died down. When viewed in this light, the development in the Norse island communities in the thirteenth century does not seem surprising. The establishment of the king's local administration in the original tributary lands took place parallel to the expansion of royal administration in Norway. The original tributary lands were regarded as part of the king's realm or dominion in this context, and therefore underwent the same changes as Norway when the kingdom was transformed into a state. It was different with Iceland and Greenland, which had not belonged to the king's dominion. Nonetheless, King Håkon set out to incorporate these territories into the realm. They were also to become tributary lands.

The expansion of royal power in those parts of the realm which lay outside the core area brought the Norwegian king into closer contact with the neighbouring princes, who had similar ambitions for their territories. The general growth of the state in north-west Europe cre-

ated a need for firmer boundaries and a definition of territorial lordship or sovereignty and thereby also a certain unification—or at least more explicit subordination of petty principalities and communities—under the expanding monarchies. In relation to Scotland this process had already started at the end of the twelfth century.[4] King Håkon Håkonsson's expansive foreign policy has been used to explain the development from about 1220. Sverre Sigurdsson's and Håkon Håkonsson's policies for the tributary lands, however, cannot be described as foreign policy. The relationship to the tributary lands was an internal Norwegian concern, and this is how it was tacitly perceived by Norway's nearest neighbours; this is evident from, among other things, the Treaty of Perth. The original tributary lands were included in the state-formation process from the end of the twelfth century, in exactly the same way as the provinces of mainland Norway.

The establishment in Iceland and Greenland, on the other hand, must be viewed in a somewhat different light. Here there were no other kingdoms to take into consideration. Although links between Iceland and Norway and Icelanders and Norwegian kings were stronger than the ties with the other Norse island communities, King Håkon had no form of lordship or direct political influence in the country before the 1240s. King Håkon's statements, as recorded in the sagas, and his policies towards Iceland leave no doubt that the aim was to incorporate Iceland and Greenland into his realm on the same terms as the other tributary lands. The policy towards Iceland was nevertheless an internal concern in the same way as the policy towards the original tributary lands. King Håkon's strategy shows without question what he wished to achieve through his lordship. The king wanted the same rights over the inhabitants and the revenues from Iceland as he had in Norway. To explain what impelled him, it is necessary to look at developments in Europe.

The English crown took 350 years to subject Wales completely.[5] Most accounts of the relationship between the English crown and Wales tend to dwell on the military conquest and consider it the most

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[4] Duncan 1976, pp. 151–66; Frame 1995, pp. 89–97; McDonald 1997, pp. 68–69; Bartlett 1999, pp. 822–27; Brown 2004, p. 1, 14–16.

[5] On the development in Wales and Languedoc, see Wolff 1967, pp. 203–204, and Given 1990, pp. 38–40 on Languedoc. See also Davies 1987, part III and IV, p. 296 on King John's potential to introduce direct lordship c. 1212, and ch. 12 on relations between the king and the princes in Gwynedd.

important factor for the ability of the English monarchy to establish direct lordship over Wales in the end.[6] In formal terms English kings had enjoyed mastery over much of Wales for several hundred years before the final conquest in the 1280s, but in addition to this the English crown and Englishmen had a dominant position not just in Wales, but over much of the British Isles, from the early Middle Ages. This dominance was economic, cultural, and political. In addition, there was Anglo-Norman and English colonization from the end of the eleventh century. Besides this, there were strong ties between the English crown and the local princes who ruled Wales. Both the native Welsh princes and the Anglo-Norman barons in the territories bordering on England were the kings' vassals. Constant internal strife between the Welsh, and the barons' further expansion, acted in favour of the crown's cause in the long term. Like the Welshmen, the local Anglo-Norman barons, especially the powerful Marcher barons, could also oppose the king. English lordship in Wales was a highly present reality from the end of the twelfth century, and the relationship between England and Wales was one of patron and client.

The English king had an opportunity to establish direct lordship early in the thirteenth century, yet this did not happen until the end of the thirteenth century, after King Edward I's military conquest. While the English crown seems to have been content with overlordship early in the thirteenth century, the king's interest in Wales increased further during the century. The Welsh rulers were also drawn into the circle surrounding the English king, enticed by the benefits and protection he could give. Whereas it had previously been the relationship to the English barons in the marches that had dominated political life in Wales, it was now the relationship to the English king that dominated. The Welsh princes often resided at the English king's court and also assisted him in warfare on the continent. The king could demand hostages from them one year and give them lucrative marriages the next. The problem was whether overlordship could survive increasingly strong local princes, especially those in Gwynedd.

In addition to having control over the Welsh princes, the king also controlled some of the Welsh principalities directly.[7] The native-born princes, however, were able to maintain a high degree of independence as long as the English kings were busy elsewhere. But in the course of

[6] Davies 1987, p. 461.
[7] See also Reynolds 1994, p. 391 on the English crown's policy towards Wales.

the thirteenth century the king's Welsh vassals constantly clashed with their overlord, and it was the strong position of the princes in Gwynedd that drove King Edward to act in the 1270s. Relations between the English king and his vassals triggered the conquest and the establishment of direct lordship. After Edward I turned his attention towards Wales in the 1270s, less than ten years elapsed before most of Wales was directly under the crown. The rest was either held as fiefs by the king's Welsh supporters or in the hands of the barons. The foundation and the plan for direct lordship, however, had already been established by King John (1199–1216) around 1212, and by Henry III (1216–1272) in the period 1240–56. When the English king first set out to conquer Wales and gain more direct lordship, he did not encounter such great challenges as the French king in Languedoc.

Before the conquest began, the French crown had had little to do with Languedoc, and there was no form of French overlordship over it. Moreover, the conquest was not spearheaded by the crown but by crusaders who wanted to eradicate the Cathar heresy in the area. It was not until 1229 that the local dukes had to yield to the crown, and eastern Languedoc came directly under the king. Several restless years followed, and it was only in 1271 that the whole of Languedoc was formally incorporated into the French kingdom. French royal rule nevertheless continued to meet resistance on several fronts in the area, and did not achieve the same control over Languedoc as the English crown had over Wales. The local aristocracy was far too strong.

Whereas direct lordship was established in Gwynedd, the French king's mastery over Languedoc was more like overlordship. James Given thinks that the main difference between the success of the English and the French crown in the conquest was due to different conditions for the incorporation prevailing in the two areas. Although the Welsh aristocracy were at times able to oppose the English, their power cannot be compared with the position enjoyed by the aristocracy in Languedoc. The English crown, moreover, had other means at its disposal for exerting direct lordship in the thirteenth century than had been the case previously. This was significant not just for the conquest but also for the integration of the territories into the English kingdom.[8]

[8] Given 1990, pp. 38–41. See also Davies 1987, part III, 12, and part VI, 13, on the Welsh princes' resistance to Edward I.

Vassalage and the relationship between overlord and vassal has often been singled out as the main reason for the establishment of more direct royal lordship over formerly loosely attached areas in the thirteenth century. But Rees R. Davies's conclusions in *Domination and Conquest* underline, in addition, the significance of the historical, cultural, and economic bonds between England and Wales, Ireland and Scotland for an understanding of the ultimate success of the English crown. Davies shows that the conquest of Wales and the establishment of direct royal lordship were a result of the English king's will and ability to turn overlordship into direct lordship.[9]

The Norwegian crown also had a powerful influence in the territories that were incorporated into the realm from the end of the twelfth century. In this respect the situation in the Norse island communities most resembles the relationship between the English crown and the different parts of Wales, and shows very little similarity to the situation of the French crown in relation to Languedoc.

Yet even though there are similarities between the relations of the English and the Norwegian crown to Wales and the Norse island communities respectively, the foundation for direct lordship was very different. While there was a cultural, ecclesiastical, and historical affinity between the Norse island communities, Norway, and the Norwegian crown, the Anglo-Norman, and later the English culture, represented something essentially different from Welsh culture. Although the local aristocracy had ties to and were influenced by English culture, the majority of the Welsh population found English culture alien. It came from outside, along with overlordship and Anglo-Norman and English dominance. In contrast, a cultural community created links between the Norse island communities, Norway, and the Norwegian crown for which there was no counterpart between the Anglo-Normans, the English, and the vast majority of the people of Wales. In no way did the Norwegian crown represent a "foreign" culture for the inhabitants of the Norse island communities. Norwegians may perhaps have mocked Icelanders in Norway in the thirteenth century, but they did not perceive themselves as representatives of a superior culture as the Normans and the English did in Wales.[10]

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[9] Davies 1987, pp. 292–96 and 1990, ch. 1.
[10] *Þsk*, ch. 8; Davies 1990, pp. 8–10.

Languedoc's position with respect to the crown displayed certain similarities to the relationship between the Norwegian king and Iceland, but the French crown did not have ties to the local aristocracy or to the local populace in Languedoc in the way the Norwegian king had with the chieftains in Iceland. The conditions for establishing royal lordship were thus very different.

It is in the power politics of incorporation that the Norwegian crown's policy and the situation in the tributary lands differ most strongly from the situation in Wales and Languedoc. No military conquest of the tributary lands was necessary. Although King Håkon Håkonsson responded to Scottish aggression by dispatching an army southwards, and although the Icelandic chieftains fought among themselves, the kings did not need to send armies to establish direct royal lordship in the tributary lands.

The relationship between the crown and the local aristocracy makes the establishment of the tributary land system different from the conquest of Wales and Languedoc, and explains why the intensification of lordship took place so peacefully. With the aid of the local elite and the advantages that royal service could give it, the king achieved his political goals in Iceland without the use of force that characterized the integration of corresponding areas elsewhere in Europe. Some of the Icelandic chieftains were themselves active participants in the establishment process, and probably saw advantages for themselves within the framework of the monarchy. The ties of the local elite to the crown and the opportunities they acquired in the king's service constitute the core of the Norwegian state-formation process and the explanation for what we could call a relatively unproblematic establishment of "outside rule" and the further integration of the tributary lands.

The incorporation of the Norse island communities into the Norwegian realm was primarily a result of the expansion and consolidation of the Norwegian crown in the High Middle Ages. The state-formation process that led to the king's direct lordship in Norway had the same consequences for the tributary lands. Whereas direct lordship had previously only been possible with the king's physical presence, the institutional expansion of the crown brought the ability to control the tributary lands without the use of powerful royal deputies. In this respect, the Norwegian king did not differ from kings elsewhere in north-west Europe in the High Middle Ages.

Vassalage and membership of the hird were not the only reasons for the incorporation of the Norse island communities into the kingdom

of Norway. Susan Reynolds claims that vassalage and the feudal context are not necessary for understanding Edward I's policies and argumentation concerning Wales and Scotland at the end of the thirteenth century. She thinks that modern ideas of imperialism are equally useful for explaining the policy of conquest.[11] King Håkon's policies can likewise be explained as being due to motives of power; increased territory brought increased resources and—not least of all—prestige. Although the relationship between the local aristocracy and the crown was important in the establishment of direct lordship, this relationship was an instrument, and not the reason for the kings' politics. In areas where the crown already had a form of lordship or dominance, the kings' desire to acquire the same rights and resources as in the core areas of the kingdom led to the establishment of a firmer form of lordship, a lordship that gave real power, and in the case of the Norwegian kings, revenues and rights on a par with those they had in Norway.

King Håkon Håkonsson's ambitions for the kingship and the establishment of direct lordship over territories where the king had formerly had overlordship or only a dominant position should therefore be understood as part of a general European development in the thirteenth century, the aim of which was to build more permanent political-territorial units under royal leadership. In this respect the Norwegian kingship did not differ from that elsewhere in northwestern Europe in the High Middle Ages. The Norwegian king was influenced by and proceeded from the same ideology as the English and French kings. The unification of the kingdom and the state-formation process which had begun in the years of the civil wars, together with the ties that already existed to the Norse areas, were the preconditions for the development.

The fate of the Norse island communities was part of a larger European process and not a result of the need of the inhabitants of these communities for assistance from Norway. The incorporation must therefore be regarded mainly as a consequence of the situation in Norway and not in the individual island communities. If we consider the development from Norse settlement during the Viking Age up to the 1260s as a whole, and simultaneously view the process in connection with general developments in Europe, it is hardly surprising

[11] Reynolds 1994, p. 393.

that the Norse island communities were drawn into the crown's state formation.

Integration

All the tributary lands were judicially and administratively integrated in the Norwegian realm during the reign of Magnus Håkonsson. The *Landlaw*, with the additions that were necessary for adaptation to conditions in the separate tributary lands, formed the judicial foundation for the government of the tributary lands from the end of the thirteenth century. The royal legislative ideology had great consequences for the tributary lands, and the law became, more than anything else, a symbol of the king's lordship. The Norwegian king had the same basis for exercising his authority in the tributary lands as he had in Norway. The term "tributary land" was nevertheless maintained as a reflection of the fact that these territories were a part of the realm, which was in a different relationship with the crown than the Norwegian provinces. The obligation of these lands to pay tribute—the tax payments by the inhabitants—is thus an important indicator of this situation. Norwegians were not obliged to pay tax in the same way, even though they did pay tax.[12] The concept of tributary land can therefore be said to express the "imperialistic" ambitions of the new state *vis-à-vis* the Norse world, while simultaneously signalling the heterogeneous character of the realm.

The king's administrative apparatus initially consisted of the same officials and institutions in the tributary lands as in Norway. The changes to the Norwegian state system in the fourteenth century that came as a consequence of the personal union and economic and social crisis were transplanted to the tributary lands. Yet there was scope for local variation. In Orkney the earldom persisted as a relic of an older order. Nor did integration lead to an outright break with the old form of government in Iceland. Here, however, the socio-political development was the most important reason for the continuity. Unlike the other tributary lands, the government of Iceland was more or less completely left with representatives of the local Icelandic elite. Before 1320, descendants of the former chieftains had been granted

[12] The naval levy was in principle not a tax but a converted duty of military service paid in peacetime.

the rank of knight and were part of the national aristocracy. Although there were changes in their status in relation to the king during the fourteenth century, it was still these men who dominated local public life in the tributary land, regardless of whether they had royal offices or not. But whereas the local elite became sheriffs and fiefholders in Iceland, the corresponding social group did not reach such positions in the other tributary lands. It seems as if the most prestigious posts were left to Norwegians or in the case of Orkney to representatives of the Scottish aristocracy as well. The local magnates had to content themselves with being lawman and sheriffs' agents.

Socio-political development in Iceland thereby differs from the development in the other tributary lands and in Norway. Through deliberate policies, the successors of the Icelandic chieftains and their relatives by marriage managed to retain control over the country, and obtained the benefits the kingdom could give. The Icelanders ruled themselves, not suffering the fate of the Orcadians and Shetlanders of feeling that they were governed from outside, by men with no local attachment.

There is thus an essential difference between how outside rule functioned in the different tributary lands. To explain the differences we shall compare the development in the tributary lands with the integration of Gwynedd and Languedoc by the kings of England and France.

The establishment of the law of the core area of the realm was an important tool in the integration of new territories into larger political units in the thirteenth century. Edward I introduced English law in Wales after the conquest, although it was adapted to old laws and customs. According to the Treaty of Perth, Scottish law was also one of the things that defined the king's direct lordship over Man and the Hebrides in 1266.

The Norwegian kings were very early in coordinating laws for the entire realm. Few European monarchs had the same degree of control over national legislation at the end of the thirteenth century as Magnus Håkonsson and his sons. The Norwegian source material says little about the king's intention for the introduction of Norwegian law in the tributary lands, apart from the ideals: the king's responsibility for law and justice, peace, and so on. King Edward I had legal experts so that he could make optimum use of the law and expand it to suit the monarchy's needs, including the establishment of lordship

over new areas.[13] King Magnus's closest men had also studied law, and Norwegian law was probably shaped and introduced in the tributary lands for reasons similar to those expressed by Edward I when he emphasized how underdeveloped Welsh law was in order to motivate the introduction of new laws. As regards legislation and the purpose of the legal community, there is no difference in principle between the Norwegian kings and their European colleagues.

The inhabitants of Gwynedd and Languedoc had very different experiences of royal lordship and outside rule. In the wake of the military conquest in the 1220s and 1280s, the French and the English kings set up administrative institutions in Languedoc and Wales. Neither of the kings created new, specially adapted institutions, instead extending to the conquered territories the institutions that were known from the core areas of the kingdoms. The establishment of royal administrative institutions nevertheless had very different results in the two areas.

The establishment of direct rule in Gwynedd was a maximum approach to outside rule.[14] Northern Gwynedd was directly ruled by the crown as a principality. There was an almost total import of English administration here. The English introduced one of the most advanced administrative systems of the time to a society that had previously had relatively underdeveloped administrative bodies. The country was now divided into counties and sheriffdoms, and an English judicial system was set up. In this principality in North Wales the administrative reorganization led to a political revolution that left hardly any political power in local hands.

In Gwynedd the system of government was no longer a natural growth of indigenous social and economic institutions. Adaptation to the English crown led to a total reorganization in the form of local government that was a direct copy of that in the core area. The people of Gwynedd were systematically held outside power positions in the new administration; furthermore, the actual mechanism by which power was exerted was foreign, a product of English, not Welsh, history. In the period after the conquest a chasm opened between the civil society in Gwynedd and the king's administration. Political power resided with a group of men who were not a part of Welsh society.

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[13] Davies 1987, pp. 367–70; Frame 1995, p. 142.
[14] Given 1990, pp. 43–49, 51–52.

In the fourteenth century it was the explicit policy of the crown that Welshmen were not to be appointed to the top political and administrative posts in Wales. This maximum approach to the government of Gwynedd could be accomplished both because the original political institutions were relatively weak, and because the English could reorganize the society with the right of the conqueror. There was no native secular concentration of power after the former rulers of Gwynedd were dead. Edward I and his helpers did not need to take into consideration any Welsh group of potential challengers when they were building up the administration.[15]

Whereas the English crown had a maximum approach to the administration of Gwynedd, the French king's administration in Languedoc was more moderate. There the king's apparatus came as an addition to an existing system of government that was already highly developed and advanced. Local rulers and institutions were retained to large extent, in addition to which they had certain similarities to the administration in the king's core area. In Languedoc, then, the establishment of outside rule did not spell the end for the local concentration of political power. Many of the local lordships and communes survived and became more effective and sophisticated under royal lordship. Because royal authority in the area was shaky, the royal administrative framework was unstable too. In addition, the administrative division was fluctuating, for instance with a lack of clear boundaries between official districts.[16]

Under French lordship, Languedoc did not perceive the political authority as foreign or alienating. Both the inhabitants and the French crown benefited from the improvement of political administration in the area. There was still enough power in local hands for the inhabitants of Languedoc to have their will *vis-à-vis* the crown. The local elite kept their positions to a large extent, and also entered the king's service. The French king was dependent on the benevolence and loyalty of the elite, and he made sure to be generous with high offices and gifts. Although it tended to be men from northern France who became seneschals, the large number of natives at all levels in the king's local

[15] Ibid., pp. 151–66, 179–82.
[16] Ibid., pp. 43–49, 51–54.

administration meant that the gap between the community and the king's apparatus was much smaller than in Gwynedd.[17]

There were, however, similarities between the French and the English kings' approaches to the government of their new territories. Neither the English nor the French crown established new institutions specially adapted to rule Wales or Languedoc; they used existing bodies or introduced the administrative apparatus from the core area. Nor did either of the crowns try to introduce the culture or language of the core area, to deconstruct the local political structure at ground level or to dissolve the ties binding the inhabitants of the areas together. The kings had no wish to eliminate or reduce the political capacity of the inhabitants' own local public bodies.

James Given's explanation for the differences between Gwynedd and Languedoc is that the original political structure was different in the two areas before the conquest, and that this gave the English and French kings completely different scope for action. A new administrative and political order corresponding to that in Gwynedd was neither conceivable nor possible in Languedoc, where the aristocracy had a dominant role. In 1229 the French king became only one of several powers in the region. So even if the king was the acknowledged overlord in the region, he had to share political power with local magnates and federations of towns.

In Gwynedd royal authority was virtually a "seamless web", without challenges from local princes. Here there was little confusion between political authority and private rights. The authority of "the state" took on an unusually uniform and total character. Very few native Welshmen had any form of political power. Yet no new English aristocracy was imported. Some towns acquired a kind of political autonomy, but these were in a way English and closely tied to the king's strongholds. Given concludes that the concentration of all power in the English crown and its local representatives took a form that was unparalleled in Western Europe. He believes that the conquest led to Gwynedd becoming the closest one can get to a state in the modern sense in medieval Europe.[18]

When viewed in light of Given's conclusions, it is obvious that the Norwegian crown's approach to outside rule initially had a great deal

[17] Ibid., pp. 166–82.
[18] Ibid., pp. 63–68, 179–82.

in common with both the French and the English models. Nor did the Norwegian king create new institutions to govern the tributary lands; he used the same administrative apparatus as in Norway. It may appear as if the Norwegian crown chose an almost maximum solution for the establishment of royal administrative institutions in the original tributary lands, for with just one exception the original political and administrative institutions in the tributary lands were totally eradicated. The earldom of Orkney was allowed to remain, but it was reformed to meet the demands of the new regime. Whereas the French king did not have the right to appoint local princes in Languedoc, the Norwegian king appointed the earls, and the Orkney earldom was subject to Norwegian regulations. The local public system in the tributary lands was also more or less recast in a Norwegian mould and regulated according to a common law code. Local public life in the tributary lands also bears the stamp of the developments in mainland Norway in the Late Middle Ages, as the institution of lawrightman, among other things, bears witness.

Although the Norwegian king's solution is more similar to the solution in parts of Wales than the overlordship which was the result in practice in Languedoc, there were nevertheless important differences. The inhabitants of the tributary lands retained their dominant role in the local public sphere. In Iceland, moreover, they also had a monopoly on posts in the king's administrative apparatus. This is more reminiscent of the situation in Languedoc than in Gwynedd, where the English king used mainly Englishmen as officials. The greatest difference between Iceland, Orkney, and Languedoc on the one hand and Gwynedd on the other is precisely the role of the local aristocracy after the incorporation. If chieftains like Hrafn Oddsson had not maintained their position, it is unlikely that the establishment of an administrative apparatus would have been so painless, if it had happened at all. And here we see the factor that distinguishes the Norwegian tributary lands from both the English and the French monarchy's policy of expansion: the tributary lands were not conquered. The king's lordship was based on centuries-old cultural, economic, and political ties between Norway, the Norwegian crown, and the Norse island communities. The Norwegian crown did not need to use military force to establish direct lordship, only politics. Moreover, the assumption of power by the monarchy showed consideration for local political traditions and administrative institutions.

The tributary lands and the Norwegian medieval state

When viewed in a European context, the incorporation and integration of the tributary lands must be regarded as successful, from the king's point of view, and relatively mild, from the inhabitants' point of view. The Norwegian system allowed a relatively high degree of reciprocity between the king and his subjects. This is also confirmed by the relationship between the crown and its local representatives and the inhabitants in the fourteenth century. It was not characterized by political tension and unrest, as was the case in Wales.

We have seen that the kingdom of Norway in the Middle Ages has been described as a conglomerate state. And the medieval Norwegian realm was certainly no nation state. At the start of the fourteenth century the king's realm was still perceived as being divided into two territorial units: Norway and the tributary lands. But the state-formation process led development in the direction of what we can call a unitary state, at least in judicial and administrative terms. The law and the system of control were the same, with some local adjustments. By and large, the crown treated the tributary lands like Norwegian counties and local communities. And despite the fact that the tributary lands were formally in a different relationship to the king than Norway and Norwegian local communities, the king had the same rights over them and their inhabitants as he had in Norway, and the inhabitants of the tributary lands could expect the same from the king as the inhabitants of Norway. The fact that the term "tributary land" was rarely used except in the context of trade regulations in the fourteenth century also demonstrates that the tributary land as a political category was disappearing.

With the result of this study in mind, can we claim that the Norwegian crown established a "system of tributary lands" in the thirteenth century, and thus argue that the relationship of the tributary lands to the crown differed from the relations of Norway and its local communities to the crown? By describing the relationship between the Norwegian crown and the tributary lands as a "system", one presupposes that the crown's policy towards the tributary lands was uniform and differed from its policy towards Norwegian local communities. It did not. Whereas Håkon Håkonsson had a policy for the tributary lands, we can see no traces of any special policy towards the tributary lands in the reign of Magnus Eriksson. With the exception of trade

regulations and some references to the king's realm, they did not treat the tributary lands as a group, instead referring to each land separately. It was not possible to treat the earldom of Orkney in the same way as Iceland. Orkney bordered on the kingdom of Scotland while Iceland, which was isolated for much of the year, posed quite different challenges to the crown.

The most striking thing about the consequences of the Norwegian state-formation process for the tributary lands is not how and why they became a part of the Norwegian realm, but that they remained a part of it. More than anything else, this study shows that the king's physical presence was not decisive for establishing and maintaining direct royal lordship. The tributary lands were incorporated and integrated into the kingdom without a Norwegian king ever setting foot in the tributary lands to instigate or hasten the process. The law, the administrative structure, and not least of all the king's local officials and liegemen ensured that the tributary lands were also comprised in the Norwegian kings' state formation, and that they remained under the crown. Royal absence was also the normal situation in Norway for several centuries after 1319, and especially after 1400. The investigation of the tributary lands illustrates how the king in the High Middle Ages was already able to sustain royal lordship over peripheral parts of his realm, without the exercise of royal power depending on the king's proximity and constant fear of his unpredictability.

APPENDICES

NORWEGIAN KINGS AND REGENTS *C.* 880–1442[1]

Harald Halvdansson Hårfagre (Fairhair) *c.* 880–*c.* 940/45
Eirik Haraldsson Blodøks (Bloodaxe) *c.* 930–*c.* 934
Håkon Haraldsson den gode (the Good) 934–961
Harald Eiriksson Gråfell (Greypelt) and brothers 961–*c.* 970
(Earl Håkon Sigurdsson *c.* 970–995)
Olav Tryggvason 995–1000
(Earl Svein Håkonsson 1000–1015)
(Earl Eirik Håkonsson 1000–1015)
(Earl Håkon Eiriksson 1012–1015, 1028–1029)
Olav Haraldsson den hellige (the Holy, St Olav) 1015–1028
Knut den mektige (Canute the Great) 1029–1030
Svein Knutsson (Alfivason) 1030–1035
Magnus Olavsson den gode (the Good) 1035–1047
Harald Sigurdsson Hardråde (Hard-ruler) 1046–1066
Magnus Haraldsson 1066–1069
Olav Haraldsson Kyrre (the Peaceful) 1066–1093
Håkon Magnusson Toresfostre (Tore's fosterling) 1093–1094
Magnus Olavsson Berrføtt (Barelegs) 1093–1103
Olav Magnusson 1103–1115
Øystein Magnusson 1103–1123
Sigurd Magnusson Jorsalfare (the Crusader) 1103–1130
Magnus Sigurdsson Blinde (the Blind) 1130–1135
Harald Magnusson Gille (servant of Christ) 1130–36
Sigurd Haraldsson Munn (Mouth) 1136–1155
Inge Haraldsson Krokrygg (Humpback) 1136–1161
Øystein Haraldsson 1142–1157
Håkon Sigurdsson Herdebrei (Broad-sholders) 1159–1162
Magnus Erlingsson 1161–1184
Sverre Sigurdsson 1177–1202
(Jon Kuvlung 1185–1188)
(Sigurd Magnusson 1193–1194)
(Inge King of the Baglar 1196–1202)
Håkon Sverresson 1202–1204
Guttorm Sigurdsson 1204
(Erling Steinvegg 1204–1207)
Inge Bårdsson 1204–1217
(Filippus Simonsson 1207–1217)
Håkon Håkonsson 1217–1263
(Sigurd Ribbung 1219–1226)
Magnus Håkonsson Lagbøte (Lawmender) 1263–1280
Eirik Magnusson 1280–1299
Håkon V Magnusson 1299–1319
Magnus Eriksson 1319–1355/1374
Håkon VI Magnusson 1355–1380
Olav IV Håkonsson 1380/81–1387
Margrete Valdemarsdatter 1388–1412
Erik of Pommerania 1389–1442

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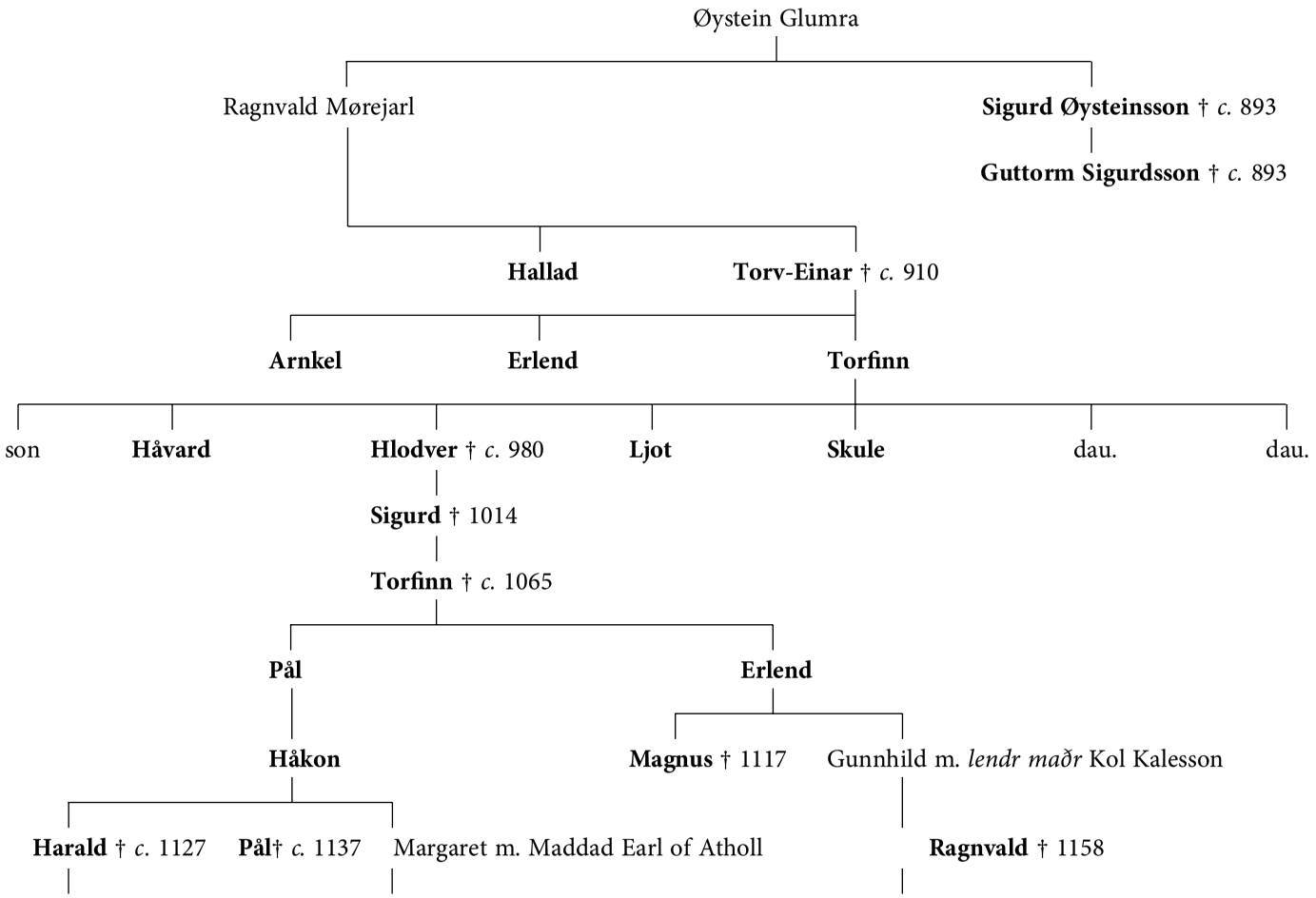
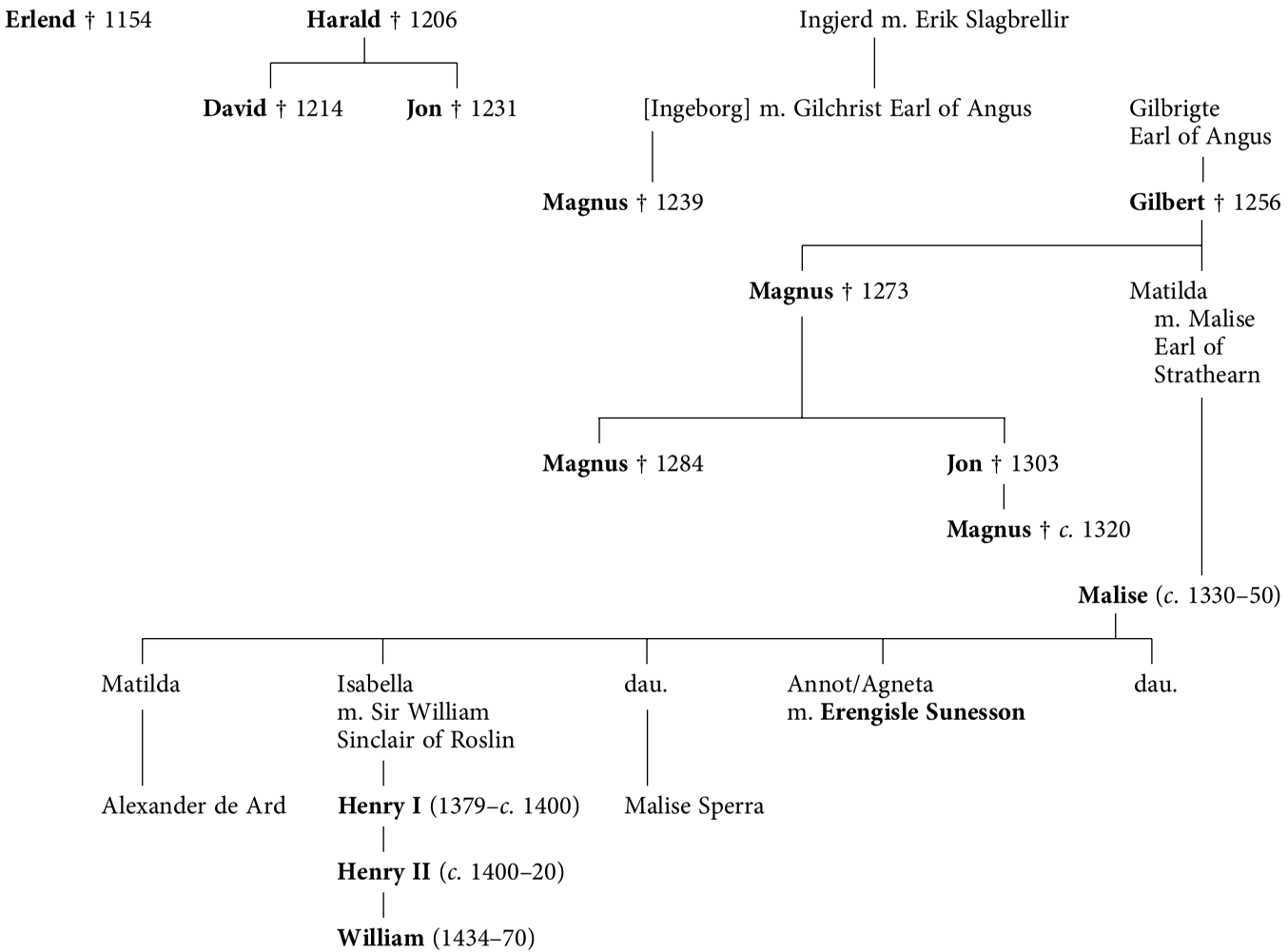
[1] Years represent reign. Disputed regents and rebel kings in parentheses.

EARLS OF ORKNEY AND CAITHNESS




Erlend † 1154
Harald † 1206
David † 1214
Jon † 1231
Ingjerd m. Erik Slagbrellir
[Ingeborg] m. Gilchrist Earl of Angus
Magnus † 1239
Gilbrigte
Earl of Angus
Gilbert † 1256
Magnus † 1273
Matilda
m. Malise
Earl of
Strathearn
Magnus † 1284
Jon † 1303
Magnus † *c.* 1320
Malise (*c.* 1330–50)
Matilda
Alexander de Ard
Isabella
m. Sir William
Sinclair of Roslin
Henry I (1379–*c.* 1400)
Henry II (*c.* 1400–20)
William (1434–70)
dau.
Malise Sperra
Annot/Agneta
m. **Erengisle Sunesson**
dau.

ROYAL OFFICIALS IN ICELAND, C. 1273…1397

Lawmen[1]

Name	Family	Rank	Period
Sturla Þórðarson	Sts II, 19th gen. Sturlungar b	Knight	1272…1278 (JS …1282)
Jón Einarsson	ÍÁ: IV, Haukdælir	Knight	1277…1299 (JS …1294)
Lodin of Bakke	Norwegian	Knight	1279, 1301…1302 (JS …1301)
Þorleifr Ketilsson (not in JS)			1281
Erlendr Óláfsson	Sts II, 6th gen. Vallverjar and Flóamenn	Knight	1283…1301 (JS …1289)
Hall Jónsson (not in JS)			1285
Sigurðr Guðmundarson I	ÍÆ II, p. 179 and IV, p. 221		1290…1296 (JS …1292
Þorlákr Narfason	Sts II, 20th gen. Skarðverjar/ÍÁ, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir	Knight	1290…1291 1293…1295 1298…1299 1303 (not in JS)
Haukr Erlendsson	Sts II, 6th gen. Vallverjar and Flóamenn		1294…1299
Þórðr Narfason	Sts II, 20th gen. Skarðverjar/ÍÁ, II Ætt Ingólfs landnámsmanns and Húnbogaætt and XIII Hítdælir		1296…1297 1300
Þorsteinn [Ha jarnarson]			1300
Bård Høgnesson	Norwegian	Knight	1301…1304 (JS …1301) 1308 (not in JS)

[1] Data on o cials, family background, and periods of o ce come from IA, Asb, Lsb, DI, Sts, ÍÆ, and ÍÁ and Jón Sigurðsson•s •Lögsögumannatal og lögmanna á Íslandi,• Safn til sögu Íslands II, 1886. e periods must in some cases be regarded as suggestions because the information in the sourc

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