
Community in Voice?

A Reconsideration of the Social Context Danish Royal Charters Functioned in the 11th Century*

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1. The earliest known royal charters in Denmark

This article aims at analyzing the social context in which a Danish royal charter dated 21 May 1085 functioned, in terms of the relationship between the text and the community.¹

The charter is famous among the historians who are interested in medieval Scandinavia because it was the earliest known example of all of the royal charters in Scandinavia.² Not a few studies, especially based mainly on diplomatics, have been devoted to this charter since the 19th century. The starting point of modern historiography of the charter was prepared by A. Køcher and L. Weibull,³ and a symposium was held in Lund in 1985 and the proceeding was published in 1988 for the commemoration of the 900 year jubileum of the production of the charter.⁴

Unfortunately the original of the charter is lost, and the only extant copy was

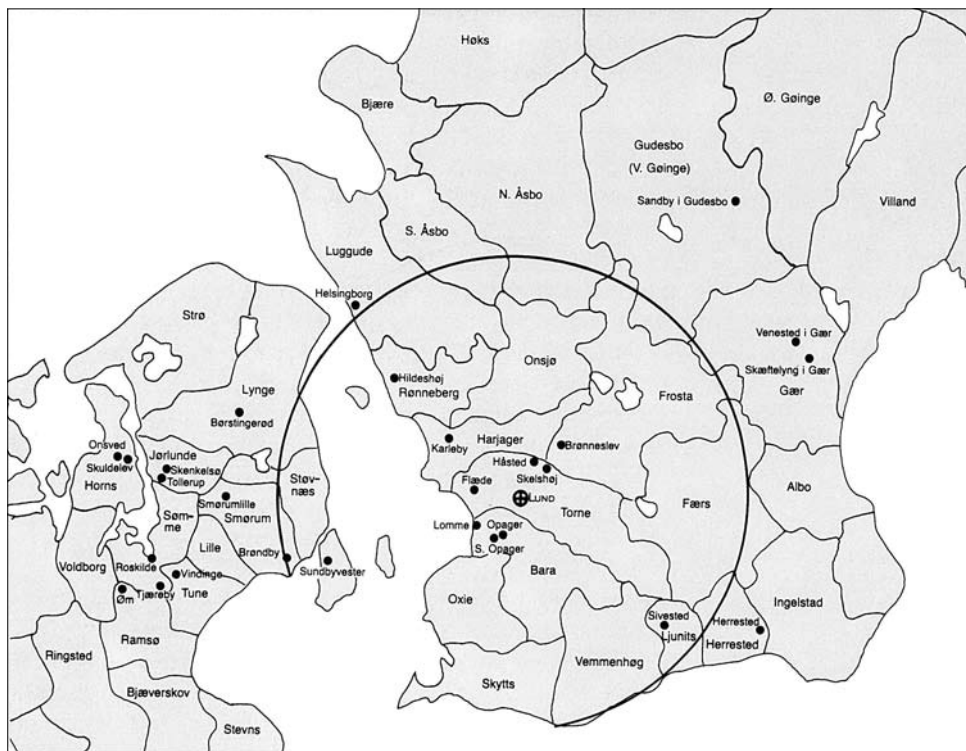
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1 The printed edition can be found in: Lauritz Weibull (ed.), *Diplomatarium Danicum*, 1–2: 1053–1169. København 1963, n. 21, pp. 43–52.

2 The earliest example in Norway is dated 1154 while the one in Sweden is 1164. These two charters are concerned with the foundation of archbishoprics of each country, that is Nodaros / Trondheim and Uppsala.

3 Concerning this charter, see A. Køcher, “Kongebrevet fra 1085. Studier i det ældste danske Diplom- og Brevevæsen.” *Historisk Tidsskrift*, 9 række 2 (1921), pp. 129–170; Lauritz Weibull, “Knut den heliges gåvobrev till Lunds domkyrka 1085.” in: *Nordisk historia: Forskningar och undersökningar*, vol. 2. Stockholm 1948, pp. 131–170.

4 Sten Skansjö & Hans Sundström (eds.), *Gåvobrevet 1085. Föredrag och diskussioner vid Symposium kring Knut den heliges gåvobrev 1085 och den tidiga medeltidens nordiska samhälle*. Lund 1988, pp. 21–35.



Map 1: Distribution of *mansi* found in the 1085 royal charter
 Ole Fenger, *Kirker rejser alle vegne. 1050–1250*. København 1989, p. 80.

inserted in the first page of the *Necrologium Lundense*, which was edited by the chapter clerics of the archbishopric of Lund in the middle of the 12th century (Lund was made an archbishopric in 1104).⁵

With the charter, the famous king Canute IV of Denmark (reigned 1080–86), later called the Holy, confirmed the rights of the Laurentius church of Lund to possess all of the estates around the bishopric. Although it is simpler in composition than the royal charters produced in other kingdoms at this time, the 1085 charter nevertheless does include the basic formula common to all royal charters, comprising protocol, text and eschatocol (See appendix 1). It also refers to a witness group, consisting of three bishops, one *dux*, four clerics and five *stabularii* respectively. The three bishops, whose personal names appear in the charter, were probably Ricwaldus of Lund (in Scania), Sveno of Roskilde (in Zealand), and Siwardus of Slesvig (in Jutland); each of their bishoprics was created at a site of the highest political

5 Lauritz Weibull (ed.), *Necrologium Lundense. Lunds domkyrkas nekrologium*. Lund 1923; See also Lauritz Weibull, “Skånes kyrka från äldsta tid till Jacob Erlandsens död 1274.” in: *Nordisk historia*, vol. 2, pp. 433–596, esp. pp. 446–449.

Table 1: A list of Extant Danish royal charters before Waldemar I

date	place	Who	to whom	what	original. / copy	DD num
1085.5.21	Lund	Canute IV	St. Laurentius church in Lund	property	c.	I.2.21
1104–1117	nn	Niels	St. Knud church in Odense and the brothers	property	c.	I.2.32
1104–1117	nn	Niels	St. Maria, St. Albanus, St. Knud churches in Odense	priviledge of fish	c.	I.2.34
1135.1.6	St. Laurentius church in Lund	Eric Emune	God and the churches in Lund	property	o.	I.2.63
1135	St. Maria church in Ringsted	Eric Emune	the brothers belonging to the church	property	c.	I.2.65
1137–1146	nn	Eric Lamm	Livo, praepositus in St. Albanus church et alii	priviledge	c.	I.2.71
1140.3.21	Eggeslev	Eric Lamm	Næstved monastery	priviledge	o.	I.2.78
1140.4.7 or later	nn	Eric Lamm	Tybjerg herred	priviledge	c.	I.2.79
1141.12.7	St Knud church in Odense	Eric Lamm	the brothers in Odense	priviledge	c.	I.2.81
1142.4.26 or later	nn	Eric Lamm	the churches in Odense	confirmation	c.	I.2.84
1142–1146	nn	Eric Lamm		confirmation	c.	I.2.84
1145.9.1	Lund	Eric Lamm	Herman, bishop of Slesvig	priviledge	c.	I.2.91
1146–1157	nn	Swein Grethe	the city of Slesvig	priviledge	c.	I.2.97
1146–1157	nn	Swein Grethe	the citizen of Ribe	priviledge	c.	I.2.98
1148	Haraldsted	Swein Grethe	the people of Sjælland	priviledge	c.	I.2.101

This table is made on the basis of the data in *Diplomatarium Danicum*, I–2 København 1963.

importance in the kingdom of Denmark.⁶ The estates mentioned in this charter were broadly scattered across the bishopric of Lund (See map 1): 30 *mansi* in Scania in South Sweden, where the bishopric itself is situated, 14 *mansi* on the island of Zealand, where the neighboring bishopric of Roskilde was situated, and eight *mansi* in the island of Amager next to Zealand—52 *mansi* in total.

The second and third earliest royal charters associated with Denmark were produced under the rulership of king Niels (reigned 1104–34) (Appendices 2 and 3)⁷. The former confirmed the landed property to St Canute church in Odense and the brothers,⁸ and the latter gave the priviledge of one sixth of fish to St Maria, St. Albanus and St Canute churches in Odense.⁹ We cannot tell precisely when these two appeared because of lack of their dates of production, but according to the editor of *Diplomatarium Danicum* they were produced between 1104 and 1117. For historians, however, the fourth earliest one dated 6 January 1135 has more important implication (Appendix 4).¹⁰ Like the 1085 charter, it conferred on the same Laurentius church

6 Hal Koch, *Danmarks kirke i den begyndende højmiddelalder, vol. 1: Kirke og konge*. København 1936, pp. 41f.

7 *Diplomatarium Danicum*, I–2, n. 32, pp. 73–76 and n. 34, pp. 78–79. As a new interpretation of the reign of Niels, see Tore Nyberg, “Kong Niels. Skitse til en biografi.” *Historisk Tidsskrift* 107 (2007), pp. 353–87.

8 Køcher, “Kongebrevet fra 1085,” p. 168.

9 Køcher, “Kongebrevet fra 1085,” p. 155.

10 *Diplomatarium Danicum*, I–2, n. 63, pp. 119–124.

ownership of its estates in the name of a Danish king — in this case, Eric Emune (reigned 1134–37). Unlike the earlier charters, however, this document has fortunately been preserved fragmentary in the original. This is an important document because of its originality, and the number of Danish royal charters gradually increased after 1135 (Table 1). In the following chapters we will reconstruct the circumstances in which the 1085 charter was produced, and examine the ways in which it functioned in 11th century Danish society.¹¹

2. Introduction of written documents into Denmark

First, it is worth establishing the circumstances in which the 1085 charter was produced. Danish society underwent a considerable number of political, administrative, social, religious and cultural changes from the 10th to the 11th centuries: the Jelling dynasty, which is supposed to have been founded by Gorm the Old (d. 958) in the middle of the Jutland peninsula, was ruled by a succession of powerful kings during this time, including Harald Bluetooth (d. 987), Swein Forkbeard (d. 1014), Cnut the Great (–1035), and Hardecnut (–1042).¹² The conquest of England was engineered by Swein and Cnut in the earlier stage of the 11th century,¹³ but, following the collapse of this overseas government in 1042, Denmark was gradually transformed into a medieval kingdom with the introduction of Latin Christianity and the organization of a European-style administrative system.¹⁴ Many historians and archaeologists have therefore claimed that the period dominated by the Jelling dynasty marked a turning point in the evolution of Denmark from the pagan Viking Age to the Latin Middle Ages.¹⁵

11 Kai Hørby, “Den samfundsmæssige baggrund for Knud den Helliges gavebrev.” in: Skansjö & Sundström (eds.), *Gåvobrevet 1085*, pp. 50–61; Ole Fenger, *Kirker rejses alle vegne 1050–1250* (Gyldendal og Politikens Danmarkshistorie 4). København 1989, pp. 77–83.

12 Concerning general history of the Jelling dynasty, see Aksel E. Christensen, *Vikingetidens Danmark paa oldhistorisk Baggrund*. København 1969, pp. 223–271; Niels Lund, *De hærger og de brænder. Danmark og England i vikingetiden*. København 1997, pp. 133–191; Birgit Sawyer & Peter H. Sawyer, *Die Welt der Wikinger*. Berlin 2002, pp. 174–201.

13 The analysis of Danish conquest of England has belonged to another historiography. First of all, see Dawn M. Hadely, “Viking raids and conquest.” Pauline Stafford (ed.), *A companion to the early middle ages: Britain and Ireland c. 500–c. 1100*. Oxford 2009, pp. 195–211. The recent most important monograph is: Timothy Bolton, *The empire of Cnut the Great. Conquest and consolidation of power in northern Europe in the early eleventh century*. Leiden / New York, 2008. This study aims at reconstructing the overseas government by Cnut in terms of both British and Scandinavian contexts. Among other recent publications, see Ian Howard, *Swein Forkbeard's invasions and the Danish conquest of England, 991–1017*. Woodbridge, 2003; Simon Keynes, “The Vikings in England.” in: P. H. Sawyer (ed.), *The Oxford illustrated history of the Vikings*. Oxford 1997, pp. 195–217; Alexander R. Rumble (ed.), *The reign of Cnut, king of England, Denmark and Norway*. London 1994; M. K. Lawson, *Cnut. The danes in England in the early eleventh century*. London 1993.

14 At this point now we should refer to: Michael H. Gelting, “The kingdom of Denmark.” in: Nora Berend (ed.), *Christianization and the rise of Christian monarchy. Scandinavia, Central Europe and Rus' c. 900–1200*. Cambridge 2007, pp. 73–120.

15 As a brief survey of the transitional period, for example, Michael H. Gelting & Helle Sørensen, “A kingdom at the crossroads: Denmark in the eleventh century.” in: Przenysław Urbanczyk (ed.), *The neighbours of Poland in the 11th century*. Warszawa 2002, pp. 49–59; Aksel E. Christensen,

This change was a monumental one for the people of Denmark, and the experience of all three Scandinavian kingdoms, including Denmark, was similarly dramatic.¹⁶ One of the reasons causing the impact on them is that these kingdoms were not successor-states to the Western Roman Empire, unlike the Frankish and Anglo-Saxon kingdoms, which had developed since at least the 7th century.¹⁷ As well known to us, landed estates were systematically administered by way of legal documents that were guaranteed by royal authority in England and the Continent. Indeed, in terms of cultural geography, the three Scandinavian kingdoms were situated on the periphery of Latin Christendom.¹⁸ And, although the degree of influence caused by their being in periphery was different among three kingdoms, it is this very remoteness and cultural isolation which lends credence to the notion that the appearance of royal charters in the 11th century is one of the remarkable developments in the history of Denmark, marking its assimilation into Latin Christendom.

However, although the 1085 charter is the earliest written document known to have come from Denmark, this does not mean that the Danes had no experience of written documents before 1085. As I have argued elsewhere, the Danes had been acquainted with written documents since at least the 9th century, in four distinct contexts.¹⁹ First, there was the frequent contact between the Danes and the rest of Western Europe in the 9th and 10th centuries, at a time when the Danes went westwards into the Frankish and Anglo-Saxon kingdoms, which had by then been managed through highly documented administrative systems for a considerable length of time. In the Danelaw and in Normandy the Danes would have undoubtedly encountered contingent legal customs, and witnessed the efficiency of written documents in mediating the transactions of landed property.²⁰ Here we may remember the treaty between the king Alfred and Guthrum in c. 890 and the treaty of St Claire

"Mellem Vikingetid og Valdemartid: et forsøg paa en syntese." *Historisk Tidsskrift* 12 række 2 (1966), pp. 31–53, is still important in spite of its date of publication.

16 Recently we can find a vast amount of bibliography on the theme from the new viewpoint of interpretation. See the articles including following edited books. Stefan Brink (ed.), *The Viking world*. London 2008; Nora Berend (ed.), *Christianization and the rise of Christian monarchy. Scandinavia, Central Europe and Rus' c. 900–1200*. Cambridge 2007; Knut Helle (ed.), *The Cambridge History of Scandinavia, vol. 1: Prehistory to 1520*. Cambridge 2003; Przenyslaw Urbanczyk (ed.), *Europe around the year 1000*. Warszawa 2001.

17 As a recent influential survey of the early middle ages, Chris Wickham, *Framing the early middle ages: Europe and the Mediterranean 400–800*. Oxford 2005.

18 Sverre Bagge, "The transformation of Europe: the role of Scandinavia." *Medieval encounters* 10 (2004), pp. 131–65.

19 Minoru Ozawa, "Scandinavian way of communication with the Carolingians and the Ottonians." in: Shoichi Sato (ed.), *Herméneutique du texte d'histoire: orientation, interprétation et questions nouvelles* (Proceedings of the Sixth International Conference Hermeneutic Study and Education of Textual Configuration). Nagoya 2009, pp. 65–75, esp. pp. 68–70.

20 Concerning the early history of Normandy, especially concentrating on the relationship between the Scandinavians and Normandy, see Lesley Abrams, "England, Normandy and Scandinavia." in: Ch. Harper-Bill & Elisabeth van Houts (eds.), *A Companion to the Anglo-Norman World*. Woodbridge 2003, pp. 41–62; L. W. Breese, "The persistence of Scandinavian connections in Normandy in the tenth and eleventh centuries." *Viator* 7 (1977), pp. 47–61.

sur Epte in 911.²¹ Both of treaties were concluded between the Scandinavians (probably the Danes) and the contingent kings according to the legal custom of the western European way.

Second, there was the creation of Danish bishoprics as a result of German influence in the 10th century. A German diploma in 965 confirmed three Danish bishoprics (Slesvig, Ribe, and Aarhus),²² and another diploma in 988 added a new bishopric in Odense.²³ Here we remember what the creation of bishoprics brought to non-Christian Denmark: the administration by written documents and estate management through them. Both Otto I and Otto III confirmed the landed estates and rights in the bishoprics through their diplomas.²⁴ This fact reveals that Danish bishops had had their own landed estates in their bishoprics under the reign of Harald Bluetooth and Swein Forkbeard. Witnessing these legal processes on the landed estates in the newly founded bishoprics, the Danes may well have come to understand the function of written documents, which are indispensable to church administration.²⁵

Third, there was Cnut's reign in England in the early 11th century. The effect of his conquest of and reign over England to the later generations is to be emphasized. For his overseas government of wide territory around the North Sea resulted, if only

21 Concerning the former treaty, see Paul Kershaw, "The Alfred-Guthrum treaty: scripting accommodation and interaction in Viking Age England." in: Dawn M. Hadley & Julian D. Richards (eds.), *Cultures in contact. Scandinavian settlement in England in the ninth and tenth centuries*. Turnhout 2000, pp. 43–64. On the other hand the latter one can be seen in *De moribus et actis primonium Normaniae ducum* by Dudo of Saint Quentin. See Pierre Bauduin, *La première Normandie (X^e–XI^e siècles). Sur la frontière de la haute Normandie: identité et construction d'une principauté*. 2 ed. Caen 2006, pp. 133–138.

22 The 965 diploma can be found in: *MGH Diplomata regum et imperatorum Germaniae I: Conradi I. Henrici I. et Ottonis I. Diplomata*. Hannover 1879–84, no. 294: Quum imperatoriae dignitatis officium esse constat, ut erga diuini cultum officii peruigili cura insistant, et quicquid augmentum sanctae christianae religioni adhibere potuerint, indesinenter in hoc studeant: idcirco nos, interuentu dilecti archiepiscopi nostri Adaldagi, ac pro statu et incolumitate imperii nostri, quicquid proprietatis in marca vel regno Danorum ad ecclesias in honorem Dei constructas, videlicet Sliesuuigensem, Ripensem, Arusensem, vel adhuc pertinere videtur, vel futurum acquiratur, ab omni censu vel servilio nostri iuris absoluimus, ut et episcopis prescriptarum ecclesiarum, absque ulla comitis vel alicuius fisci nostri exactoris infestatione seruiant et succumbant, volumus et firmiter iubemus.

23 The 988 diploma is found in: *MGH Diplomata regum et imperatorum Germaniae I: Ottonis III. Diplomata*. Hannover 1893, no. 41: Omnium fidelium nostrorum, tam presentium, quam futurorum piae devotioni pateat, quomodo nos ob petitionem et interventum dilecti nostri Adaldagi, Bremensis ecclesiae videlicet venerabilis archiepiscopi, ac pro statu et incolumitate regni nostri, quicquid proprietatis in regno Danorum ad ecclesias in honorem Dei constructas, videlicet Sliesuuigensem, Ripensem, Arusensem, Othenesuuigensem uel ad hic pertinere videtur, uel in futurum ad quiratur, ab omni censu uel seruitio nostri iuris absoluimus: et ut episcopis prescriptarum ecclesiarum, absque ulla comitis vel alicuius fisci nostri exactoris infestatione seruiant et succumbant, volumus et firmiter iubemus.

24 Niels Refskou, "Det retslige indhold af de ottonske diplomer ti de danske bispedømmer." *Scandia* 52 (1986), pp. 167–210.

25 Recently Nils Hybel has argued that religious institutions introduced large landed estates into Denmark after the 10th century. See Nils Hybel "The religious institutions and the creation of large landed estates in Denmark from the 10th to the 13th century," published in Japanese in *Hokuo-shi kenkyu* (=Journal of the Balto-Scandinavian History) 25 (2008), pp. 109–126. Original English version of this article will be published soon.

temporarily, in the coexistence of the English and the Scandinavians at the king's court.²⁶ Some royal charters produced during the reign of Cnut reveal that Scandinavian magnates like Thorkell, Ulf, and the Jarls of Lade were all present as witnesses;²⁷ in addition, according to Adam of Bremen, some English clerics familiar with written documents sailed to Denmark during Cnut's reign.²⁸

And fourth, there is the fact that the Danish kings had frequent contact with the papacy in the latter half of the 11th century. Cnut, who had stayed in Rome in 1027, had made the relationship between Denmark and the papacy much more mutually dependent than ever.²⁹ However, from the time of the reign of Swein Estrithsen onwards, the speed and degree of contact seem to have been accelerated. Swein Estrithsen in fact received papal letters, demonstrating that the kingdom of Denmark at that time accumulated the knowledge of written documents at court.³⁰

It is my belief that this fourfold process gradually brought Denmark to a basic understanding of the formulae for western European royal charters. And we can find the first testimony of introduction of royal charters to Denmark in the *Roskilde Chronicle* written in c. 1040. According to the anonymous source, there was a charter of confirmation with the seal of bishop William of Roskilde by which Estrith, mother of Swein Estrithsen, granted 50 *mansi* to the Roskilde church.³¹ The fact that this charter was appended with the seal of bishop William of Roskilde tells us that it was produced at a time between 1043 and 1073 under the episcopate of William.³² When we accept that the testimony of the *Roskilde Chronicle* is right, the times of introduction to Denmark of the knowledge of charter which confirmed the rights of landed estates

26 It should be emphasized that in Cnut's court there stayed those who were of other ethnic origin in addition to the English and the Scandinavians.

27 Simon Keynes, "Cnut's earls," in: Rumble (ed.), *The reign of Cnut*, pp. 43–88, esp. pp. 54–66. The multi-ethnic character of Cnut's court can be easily demonstrated compared to the composition of witness list of Ethelred II and Edward Confessor. See Simon Keynes, *An atlas of attestations in Anglo-Saxon charters, c. 670–1066. Text*. Cambridge 2002.

28 Concerning the relationship between Cnut and the church, see Lawson, *Cnut*, pp. 117–160. In his chronicle, Adam of Bremen states that Cnut the Great brought a lot of English clerics to Denmark. Adam of Bremen, "Gesta Hammaburgensis ecclesiae Pontificum," in: W. Trillmich & R. Buchner (eds.), *Quellen des 9. und 11. Jahrhunderts zur Geschichte der hamburgischen Kirche und des Reiches*. Stuttgart 1961, II–55 (p. 294): Victor Chnud ab Anglia rediens in ditone sua per multos annos regnum Daniae possedit et Angliae. Quo tempore episcopus ab Anglia multos adduxit in Daniam. De quibus Bernardum posuit in Sconiam, Gebrandum in Seland, Reginbertum in Fune.

29 From a contemporary European perspective, see Julia M. H. Smith, *Europe after Rome. A new cultural history 500–1000*. Oxford 2005, pp. 277–80.

30 Wolfgang Seegrün, *Das Papsttum und Skandinavien bis zur Vollendung der nordischen Kirchenorganisation (1164)*. Neumünster 1967, pp. 65–107. See *Dipolomatariū Danicū* I–2, no. 6 (from Alexander VI), no. 7 (from Alexander VI) no. 11 (from Gregory VII) and no. 13 (from Gregory VII).

31 "Chronicon Roskildense," in: M. Cl. Gertz (ed.), *Scriptores minores historiae Danicae medii ævi*, vol. 1, København 1917–18, ix (p. 23): cuius temporibus mater regis Svenonis Estrith ecclesie Roskildensi .l. mansos filio consenciente contulit, quos prescriptus episcopus sigillo et priuilegio ecclesie confirmauit.

32 Concerning bishop William, see Helmuth Kluger (ed.), *Series episcoporum ecclesiae catholicae occidentalis ab initio usque ad annum MCXCVIII, IV–2: Archiepiscopatus Lundensis*. Stuttgart 1992, pp. 81–82; see also Kristian Erslev, "Sven Estridsøn og Biskop Vilhelm. Sagnstudier." *Historisk Tidsskrift* 6 række 3 (1891–92), pp. 602–26.

can go back to the date before 1073.

According to A. Køcher, it is difficult to decide which of the contemporary European chanceries—the Anglo-Saxon or German courts or the papal state—had the greatest influence on the 1085 charter, because of this document's mixed style, which shows the influence of several different sources.³³ Nevertheless, it is clear that the Danish royal chancery in 1085 had enough knowledge and staff to produce legal documents based on some European models.

3. Fluctuation of royal authority in 11th century Denmark

Let us now consider the ways in which royal charters functioned in medieval Danish society. Every royal charter requires the right social conditions to be in place if it is to function, and the same must be said of the 1085 charter. Here I present the two main aspects of these conditions.

First, there is the question of who corroborated this charter. When a royal charter was made at this time, members of the royal court were required to corroborate its legal content. Such a group, whether it came together through chance or necessity, was typically responsible for witnessing the contract found in the charter. With regard to the 1085 charter, this group consisted not only of the king Canute IV the Holy and the recipient (in this case, the Laurentius church in Lund), but also the rest of the eligible members of the royal court—that is, the witness group mentioned above, comprising the three bishops (Riewaldus of Lund, Sveno of Roskilde and Siwardus of Slesvig), one *dux* (Haquinus), four clerics (Arnoldus, Theodericus, Heinricus, Godescalcus), and five *stabularii* (Alle, Haqvinus, Petrus, Suen, and Ascerus Akonis *filius*). Clearly, these were members of the highest social strata in 11th century Denmark. This group formed a community which would have been informed about the particulars of any legal case that arose; they would have been called upon to adjudicate about any matter brought to bear concerning the charter.

Second, and more importantly, there is the question of who protected the rights of the Laurentius church (which was founded in the 1085 charter) when these rights were violated. Of course, the church would first have appealed to the king, but this is not really a satisfactory answer. Here we have to remember the political situation peculiar to the times in which this charter was produced.³⁴ The collapse of its overseas government led to troubled times in Denmark. Swein Estrithsen had fathered many children, who all claimed to be Danish kings and decided to oppose one other.³⁵ Canute IV the Holy was, admittedly, made sole king in 1080, suggesting some

33 Køcher, "Kongebrevet fra 1085," p. 150.

34 Niels Skyum-Nielsen, *Kvinde og Slæve*. København 1971, pp. 10–11.

35 The five among Swein's sons became successive kings of Denmark: Harald Hen (1076–80), Canute the Holy (1080–86), Oluf Hunger (1086–95), Erik Ejegod (1090–1103) and Niels (1104–34). After the death of Niels, Erik Emune, son of Erik Ejegod, became king. See Fenger, *Kirker rejstes alle vegne*, pp. 59–76; Hal Koch, *Kongemagt og Kirke 1060–1241* (Danmarks historie 3). København 1963, pp. 55–100.

measure of stability, but he was assassinated by a man from an enemy faction in the cathedral of Odense in 1086.³⁶ Overall, then, the authority and power of the kingship suffered from a lack of stability throughout this period. And so, when the Laurentius church could not appeal their case, because of the instability of the kingship, who would then have protected their rights as recipients of the 1085 charter? Their preferred choice would certainly have been the group of Danish magnates mentioned in the witness list, bishops and clerics included. As Lars Hermanson has claimed, the political structure in 12th century Denmark depended partly on the cooperation of the kingship with the network of local magnates.³⁷ 11th-century Danish magnates, who were less influenced by the king, would have had more freedom to exercise their political will than their 12th-century counterparts. Prosopographical data cannot be obtained for each person in the witness list of the 1085 charter, with the exception of the three bishops,³⁸ because of lack of historical sources, but all of the witnesses could have had considerable influence on the royal court even if a person belonging to another party was elected king.

4. Reading aloud before 1085

Royal charters thus offered some protection to institutions, allowing named witnesses to advocate on their behalf when their rights were violated. There was also a performative aspect to their function, which is the focus of the following analysis. Normally, the content of a royal charter was read aloud in the presence of the witness group at the time of its confirmation; reading aloud was an indispensable part of the production and function of royal charters in the medieval period. This is also true of the 1085 charter.

Did the occasion to read written words aloud only emerge after the introduction of a royal charter system in Denmark?³⁹ Certainly before 1085 there were no extant documents detailing such complex legal practices, as can be seen in Danish royal charters. In their place, however, was a corpus of texts bearing non-Latin characters, and detailing specific formulae, which can be dated to around the year 1000: rune

36 As a basic study, see Erich Hoffmann, "Knut der Heilige und die Wende der dänischen Geschichte im 11. Jahrhundert." *Historische Zeitschrift* 218 (1974), pp. 529–570.

37 Lars Hermanson concentrated his discussion on the 12th century, but his theory can be applied to as far back as the latter half of the 11th century. Lars Hermanson, *Släkt, vänner och makt. En studie av elitens politiska kultur i 1100-talets Danmark*. Göteborg 2000.

38 Ricwardus of Lund was a canon of the bishopric of Paderborn in Westfalia. See Kluger (ed.), *Series episcoporum ecclesiae catholicae occidentalis ab initio usque ad annum MCXCVIII*, p. 15; Sveno of Roskilde (1067/74–1088) was probably of Norwegian origin. See *ibid.*, p. 82; We have no information about Siwardus of Slesvig. See *ibid.*, p. 107.

39 Concerning literacy and orality in Medieval Scandinavia in general, see Stefan Brink, "Verba volant, scripta manent? Aspects of early Scandinavian oral society." in: Pernille Hermann (ed.), *Literacy in Medieval and Early Modern Scandinavian Culture*. Odense 2005, pp. 77–135.

stones.⁴⁰

It is normally thought that these stones—over 200 of them across Denmark—commemorated the dead whose names were inscribed on the surface of the stones. Rune stones were thus memorial in function. Further, as Birgit Sawyer has suggested in her recent book, these stones actually functioned as a form of manifestation of the inheritance of landed property by the families of the dead.⁴¹ The family relationships between the sponsor of the stone and the dead, which we can see inscribed on most stones, were thus clearly manifested to the wider community beyond the inner circle consisting of the family and the relatives.

What do royal charters and rune stones have in common? First, both functioned as records of landed property. Although rune stones cannot be inscribed with as much detailed information as royal charters, nevertheless the stones provided a written record visible to all the members of the community. Furthermore, both the text inscribed on a rune stone and in a royal charter would have been read aloud in order to bring the past to mind and to give evidence to the court when any disputes about landed property arose. As Stefan Brink has claimed, there were any contexts in which legal procedures could take place in Viking Age Scandinavia.⁴² In Denmark, for instance, certain runic inscriptions make mention of the legal custom of “outlawing” (for example, in the famous Glavendrup stone).⁴³ Clearly, rune stones had a role to play in the legal structures that defined Danish society at that time.

Here we should remember one important thing: all of the Danes of the 10th and 11th centuries could not read written characters. Recently T. Spurkland claimed that “the [rune] stones were erected at crossroads or on public places, where most people could see and read them. And these texts were for silent reading; very few runic texts, if any, were read aloud, or disseminated by a mediator”.⁴⁴ His interpretation is worth considering on, I cannot agree to him in every respect. As was the case with royal charters, they would have needed help from the literate mediator who could read the runes because all of the community in court could not read them. Those concerned with any case brought before the community would have been able to understand the text inscribed on the stone’s surface only when the literate person read the text aloud in the presence of them all. It is thus clear that it was the human voice that formed the missing link between rune stones and royal charters.

40 Rune stones were only appeared sporadically in the 9th century, but the number of these stones suddenly increasing from the 10th to 11th centuries. A typical stone contains a very simple formula: “X raised this stone in memory of Y”. See in general Klaus Düwel, *Runenkunde*, 3 Aufl. Stuttgart 2000.

41 Birgit Sawyer, *The Viking-Age rune-stone. Custom and commemoration in early medieval Scandinavia*. Oxford 2000, esp. pp. 47–70.

42 Stefan Brink, “Law and legal customs in Viking Age Scandinavia.” in: Judith Jesch (ed.), *The Scandinavians from the Vendel period to the tenth century. An ethnographic perspective*. Woodbridge 2002, pp. 87–127.

43 Lis Jacobsen & Erik Moltke, *Danmarks Runeindskrifter. Text*. København 1942, no. 208 (col. 248–253): *at rita sa uarþi is stain þansi ailti iþa aft anan traki* (May he become an outlaw who damages this stone or drags it in memory of someone else).

44 Terje Spurkland, “Viking Age literacy in runes—a contradiction in terms?” in: Hermann (ed.), *Literacy*, pp. 136–150, esp. p. 139.

Conclusion

In the late Viking Age, rune stones could form a “community in voice” that defined a limited region of Denmark. Such a community of legal character would have consisted of local elites and their dependents. This situation was still in force in 11th century Denmark, when the administration of landed property through royal charters was introduced. One of the most remarkable differences between 11th century Denmark and other contemporary Western European states was that the authority of Danish kings was unstable, but this instability led to a system whereby a network of local elites protected their property rights by way of a royal charter rather than through the kingship. Such an unstable situation changed only after Waldemar I was elected king of Denmark in 1157.

Appendix 1: Canute IV's charter dated the 21 May 1085

(Lauritz Weibull (ed.), *Diplomatarium Danicum*, I–2: 1053–1169. København 1963, n. 21, pp. 49–52)

In nomine sancte et individue Trinitatis. patris et filii et spiritus sancti. Notum omnibus in Christo fidelibus esse cupimus. qualiter ego Cnuto quartus Magni Regis filius. post susceptum paterne hereditatis regnum. ecclesiam sancti Lavrentii. que sita est Lunde. licet nondum perfectam dotaui. ut illius agni qui tollit peccata mundi sit perpetim. sponsa. sancta sancti. immaculata immaculati. digna digni. Desponsale autem huius ecclesie quod uel quale sit patefecimus. et sub his testibus. Rievvalo. Svenone. Sivvardo. episcopis. Haqvino duce. presbiteris. Arnolfo. Theoderico. Heinrico. Godescalco. stabulariis. Allone. Haqvino. Petro. Suenone. Ascerio Akonis filio. Deo preside. ratum et eternaliter. stabilitum desideramus. Est igitur terra illa quam Oepi filius Thorbiorn in Lunde pro pace sua emendauit. In Upaccri australi. quattuor mansi. et dimidius. In altero Upaccri. totidem mansi. In Heruestadum octo mansi. In Scialshoge. duo mansi. In Flatoige quinque mansi et dimidius quem dedit Hacon regi. In Hildeshoge. dimidius. In Hastathum. unus mansus. A Geri. In Winistandum. unus mansus. In Scafteliungum. dimidius mansus. In Seuestathum dimidius mansus. quem persoluebat pro pace sua. Scora. Et dimidius mansus in Karlaebiu quem dedit idem Scora regi pro pace sua. In Bruneslef. dimidius quem soluebat rex a Thurgislu filio Gunstens. A Guthisbo. In Sandby. unus mansus. In Selandia. In Ramsejerathi Oem. duo mansi. In Semaherathi Tiaby. duo mansi. In Tuna berathi Winningavve duo mansi. In Hornsherathi Sculdalef. unus mansus. In Othense unus mansus. In Smørhem minore. duo mansi. In Liunga herathi Broestingarythi duo mansi. In Iurlunda herathi Tollathorp. unus mansus. In Scenkilsio unus mansus. In insula Amacum. Sundby occidentali quinque mansi. In Brundby tres mansi. De annuali pecunia que datur pro arcis in Lumaby tres marce. De eadem pecunia in Helsingaburg tres marce. De arcis Lunde .xx. marce et .i. Si quis prepotens. nobilis. uel ignobilis. natus uel non natus. contumaci inflatus audacia contra sancte religionis propositum. huius pacti decretum uiolare studerit. sit anathema Maranatha. sit supplicio deputatus eterno. ubi uermis non moritur. et ignis non exstinguitur. Fiat mensa eius coram ipso in Laqueum et in retributiones et in scandalum. Cum eis qui dixerunt dominio Deo recedere a nobis. scienciam uiarum tuarum nolumus. Quod autem ad regiam pertinet iusticiam ex quacunque causa fiat de prenominata terra. in potestate sit prepositi et ceterorum fratrum in hoc loco Deo seruiencium. Tribus culpis exceptis. Si extra pacem positus fuerit. emat pacem a rege. substantiam illius tollat prepositus et fratres. Si expedicionem neglexerit. erga regem emendet. Reddarios equos non dent. nisi cum rex ipse uenerit. Actum Lundi duodecimo kalendas Iunii. Anno incarnationis dominice octogesimo quinto indicione viii epac xxii Concur. ii Anno regni domini Kanuti regis. quinto. Predictis presentibus episcopis et confirmatibus Auctore domino nostro Ihesu Christo. Qui est benedictus in secula seculorum. Amen.

Appendix 2 : Niels' charter 1 (no date)

(Lauritz Weibull (ed.), *Diplomatarium Danicum*, I–2: 1053–1169. København 1963, n. 32, p. 76)

In nomine sancte et indiuidue Trinitatis. Notum sit omnibus tam futuris quam presentibus [uere fidei cultoribus quod ego N] icholaus Dei g[raci] a rex D[anorum ecclesiæ sancti Canuti quæ est Othensi. et f]ratribus ibidem <Deo> famu[la] ntibus tal[em] libertatis legem promulgau[im] quod in omnibus predi] is. uillis siue terris ad ipsos per [tinentibus iam collatis seu adhuc conferendis qu] icquid de regio iure ad nos pro q[ualicumque] causa attinuit ad eorum us[um] perpetua libertate donau[im]. exceptis trib[us] duntaxat causis quæ cogno[scuntur] minantur lingua Danica wrechlethang [withe frithcöp de quo] rum tercio id statuimus ut omnem porcionem tot[am] [ius substantiæ hominis illius] qui extra pacem missus est ecclesia suscipiat. Cet[erum] redemptio pro pa[re] ce ad uis pertineat nostrum. Quantum est eciam [quod] uoca [tur danefe id est] hereditas illorum qui nullum post se certum heredem [relinquunt de hoc de] finitum est quod si quis sine heredibus in terra que ad ecclesias [pertinet habitans] uita discesserit dimidiam partem omnis possessionis [defuncti ecclesia suscipiat.] reliqua ad fiscum nostrum pertineat. Similiter autem statu [imus ut si] quis [h] ab [ens] terras uel alias possessiones heredem autem non habens res suas dum adhuc est sanus et [incolumis] ecclesie uoluerit conferre. et si <bi> tantum quamdiu uixerit usum fructuarium ex eis [re]seru[er] a [re] terras ei ex integro et tocuis pecunie medietatem donare liceat et nostro iuri pars altera cedat. Inuira fratribus illata que dicitur aftunc. vi. horis. redimatur. Si quis autem quod absit hoc nostrum edictum infirmare temptauerit anathematis uinculo se innodandum nouerit. Testes sunt Wbbo comes gener meus Ago camerarius. Iohannes Wido et Wolff stabularii.

Appendix 3: Niels' charter 2 (no date)

(Lauritz Weibull (ed.), *Diplomatarium Danicum*, I–2: 1053–1169. København 1963, n. 34, p. 79)

Nicolaus rex Danor <um> ecclesiæ Christi et s[an]c[t]i <e> Mariæ necnon beatorum martyrum Albani atque Canuti, quæ est in Othense, donat sextam partem piscationis de hæreditate patros sui, quæ est in Løneburg, pro anima multum mi dilecti Ingonis filii sui. Testes sunt Vxor regis Margareta regina. Magnus filius regis. Karolus frater regis. Vbbo filius Esberni cum filio suo Esberno. Ioannes filius Hugolati. Ebbe de Bastetorp. Ebbe villicus et alii.

Appendix 4: Eric Emune's charter dated the 6 January 1135

(Lauritz Weibull (ed.), *Diplomatarium Danicum*, I–2: 1053–1169. København 1963, n. 63, pp. 123–124)

[In nomine sancte et indiuidue Trinitatis Ericus. Erii filius. diuina fauente clemencia. Danorum rex. omnibus catholicis. salutem. De magnis tribulacionibus et angustiis a Deo liberati. magnifice gracias ipsi referimus. quia populum suum liberauit. quia nobis regnum et hereditatem restituit. et meipsu in solio patrum meorum collocauit. In reddenda igitur gr[ati]a aciarum accione ei. cuius sanctis meritis uictores nos esse confidimus. de bonis que nostr[is] iuris sunt. nec a quoquam [l] eg[re]s [ibus] auferri possunt. secundum quod i[n]fra descriptum est. gratanter offe[re] rimus. et Lundensi ecclesie in possessionem eternam per presentis pagine [auctoritatem] contradimus. quantum [ad] prebendam unius clerici sufficiat. qui iugiter Deo et sanctis eius in loco ips[orum] [o] pro salute regis deseruiat]. A Geri in uilla. Wraum occidentali unus mansus. Hoeum. mans[us]. [sus. Hugby. mansus Inscio. dimi] dius mansus. Herthalef. quadrans. A Wetlandi. in uilla Fialkinn. [quadrans. In insula Amacum.] in uilla Tummathorp. duo mansi. Thornby. mansus. T[erra]s has [a] iusticia regali immunes et om[n]ino liberas esse uolumus. ad imitationem earum quas dederunt felicis mem[or]e [orie] predecessores nostri. Sweno] Magnus. et Cnutus. reges catholici. Hec ut rata sint sigillo nostro cartam [hanc] signauimus. Ad nohorem re]gis regum. qui uiuit et gloriatur Deus. per omnia secula seculor[um]. [um. Amen]. Actum Lundi in ecclesia sancti Laurentii domina Malfride regi [na] consenciente et collaudante. et fi]lio regis Suenone. presente [domino ac] u[enerabili] As[c]ero Lund[ensi] n[on] [si] archiepiscopo. et Ottario Bergenensi. qui iustam regis uoluntatem sua auctoritate confirmauerunt. Omnem uero. huic constitutionei contradicentem uel aduersantem. tanquam latronem et alieni iuris inuasorem anathematizauerunt. coram presbiteris et dyaconibus multis et magna populi multitudine. Octauo idus Ianuarii Indictione xiii Anno ab incarnatione domini mccccv. Rgni autem regis Erii anno quarto].