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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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 Nidaros / Trondheim and Uppsala.

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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).  

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

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Place</th>
<th>Who</th>
<th>To whom</th>
<th>What</th>
<th>Original, Copy</th>
<th>DD num</th>
</tr>
</thead>
<tbody>
<tr>
<td>1085.5.21</td>
<td>Lund</td>
<td>Canute IV</td>
<td>St. Laurentius church in Lund</td>
<td>property</td>
<td>c.</td>
<td>I.2.21</td>
</tr>
<tr>
<td>1104–1117</td>
<td>nn</td>
<td>Niels</td>
<td>St. Knud church in Odense and the brothers</td>
<td>property</td>
<td>c.</td>
<td>I.2.32</td>
</tr>
<tr>
<td>1104–1117</td>
<td>nn</td>
<td>Niels</td>
<td>St. Maria, St. Albanus, St. Knud churches in Odense</td>
<td>privileged of fish</td>
<td>c.</td>
<td>I.2.34</td>
</tr>
<tr>
<td>1135.1.6</td>
<td>St. Laurentius church in Lund</td>
<td>Eric Emune</td>
<td>God and the churches in Lund</td>
<td>property</td>
<td>o.</td>
<td>I.2.63</td>
</tr>
<tr>
<td>1135</td>
<td>St. Maria church in Ringsted</td>
<td>Eric Emune</td>
<td>the brothers belonging to the church</td>
<td>property</td>
<td>c.</td>
<td>I.2.65</td>
</tr>
<tr>
<td>1137–1146</td>
<td>nn</td>
<td>Eric Lamm</td>
<td>Livo, praepositus in St. Albanus church et ali</td>
<td>privileged</td>
<td>c.</td>
<td>I.2.71</td>
</tr>
<tr>
<td>1140.3.21</td>
<td>Egggeslev</td>
<td>Eric Lamm</td>
<td>Naestved monastery</td>
<td>privileged</td>
<td>o.</td>
<td>I.2.78</td>
</tr>
<tr>
<td>1140.4.7 or later</td>
<td>nn</td>
<td>Eric Lamm</td>
<td>Tybjerg herred</td>
<td>privileged</td>
<td>c.</td>
<td>I.2.79</td>
</tr>
<tr>
<td>1141.12.7</td>
<td>St Knud church in Odense</td>
<td>Eric Lamm</td>
<td>the brothers in Odense</td>
<td>privileged</td>
<td>c.</td>
<td>I.2.81</td>
</tr>
<tr>
<td>1142.4.26</td>
<td>.nn</td>
<td>Eric Lamm</td>
<td>the churches in Odense</td>
<td>confirmation</td>
<td>c.</td>
<td>I.2.84</td>
</tr>
<tr>
<td>1142–1146</td>
<td>nn</td>
<td>Eric Lamm</td>
<td></td>
<td>confirmation</td>
<td>c.</td>
<td>I.2.84</td>
</tr>
<tr>
<td>1145.9.1</td>
<td>Lund</td>
<td>Eric Lamm</td>
<td>Herman, bishop of Slesvig</td>
<td>privileged</td>
<td>c.</td>
<td>I.2.91</td>
</tr>
<tr>
<td>1146–1157</td>
<td>nn</td>
<td>Swein Grethe</td>
<td>the city of Slesvig</td>
<td>privileged</td>
<td>c.</td>
<td>I.2.97</td>
</tr>
<tr>
<td>1146–1157</td>
<td>nn</td>
<td>Swein Grethe</td>
<td>the citizen of Ribe</td>
<td>privileged</td>
<td>c.</td>
<td>I.2.98</td>
</tr>
<tr>
<td>1148</td>
<td>Haraldsted</td>
<td>Swein Grethe</td>
<td>the people of Sjælland</td>
<td>privileged</td>
<td>c.</td>
<td>I.2.101</td>
</tr>
</tbody>
</table>

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

importance in the kingdom of Denmark. 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). The former confirmed the landed property to St Canute church in Odense and the brothers, and the latter gave the privilege of one sixth of fish to St Maria, St. Albanus and St Canute churches in Odense. 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). Like the 1085 charter, it conferred on the same Laurentius church

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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

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: Przenyslaw 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. 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. 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. 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. 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. 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.


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.


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sur Epte in 911. 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), and another diploma in 988 added a new bishopric in Odense. 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. 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.

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


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 divini cultum officii periugi cura insistant, et quicquid augmentum sanctae christianae religioni adhibere potuerint, indesinenter in hoc studeant: idcirco nos, interuenitu dilecte archiepiscopo nostri Adaldagi, ac pro statu et incolumitate imperii nostri, quicquid proprietatis in marca vel regno Danorum ad ecclesias in honorem Dei constructas, videlicet Slesuuiiengsenem, Ripensem, Arusensem, vel adhuc pertinente videtur, vel futurum acquiratur, ab omni censu vel servilio nostri iuris absoluum, ut et episcopis prescriptarum ecclesiarum, absque ulla comitis vel alciuius fisci nostri exactoris infestatione servient 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 fideliium nostrorum, tam presentium, quam futurorum piac devotione 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 Slesuuiiigsenem, Ripensem, Arusensem, Othenesuuiiigsenem uel ad hic pertinente videtur, uel in futurum adquiratur, ab omni censu uel seruito nostri iuris absoluumus: et ut episcopis prescriptarum ecclesiarum, absque ulla comitis vel alciuius fisci nostri exactoris infestatione servient et succumbant, volumus et firmiter iubemus.


25 Recently Niils Hybel has argued that religious institutions introduced large landed estates into Denmark after the 10th century. See Niils 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. 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; in addition, according to Adam of Bremen, some English clerics familiar with written documents sailed to Denmark during Cnut’s reign.

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. 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.

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. 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. 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.
30 Wolfgang Seegrün, Das Papsttum und Skandinavien bis zur Vollendung der nordischen Kirchenorganisation (1164). Neumünster 1967, pp. 65–107. See Dipolomatarium Danicum I–2, no. 6 (from Alexander VI), no. 7 (from Alexander VI) no. 11 (from Gregory VII) and no. 13 (from Gregory VII).
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. 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 (Ricwaldus 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. 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. Canute IV the Holy was, admittedly, made sole king in 1080, suggesting some

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

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 eclecsiae 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.
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. 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. In Denmark, for instance, certain runic inscriptions make mention of the legal custom of “outlawing” (for example, in the famous Glavendrup stone). 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”. 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.
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 traki1 (May he become an outlaw who damages this stone or drags it in memory of someone else).
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


Appendix 2 : Niels' charter 1 (no date)


Appendix 3: Niels’ charter 2 (no date)

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


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